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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART A—STEP INCREASES

SUBPART B—GENERAL COMPENSATION RULES

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (5) is added to § 25.11 of Subpart A, and the following additions and amendments are made to Subpart B: paragraphs (k) and (l) are added to § 25.102, paragraph (a) of § 25.103 and paragraph (a) of § 25.104 are amended, and a new § 25.105 is added.

§ 25.11 Definitions. . . .
(f) . . .

(5) An increase resulting from the establishment of any minimum rate pursuant to section 803 of the Classification Act of 1949, as amended.

§ 25.102 Definitions. . . .

(k) Area is a geographical subdivision which can be described in terms of boundaries, such as the metropolitan limits of a city, the area within 20 miles of the city limits, a county, several counties, a state, etc.

(l) Location is a specific place of employment within an area, such as a particular shipyard or airbase.

§ 25.103 General provisions. (a) All new appointments shall be made at the minimum rate of the grade to which the employee is appointed except where the minimum rate for a class is increased by Commission action. In this case new appointments shall be made to the minimum rate for that specific class.

§ 25.104 Special provisions. (a) An employee promoted, repromoted or transferred to a higher grade between Classification Act positions or grades shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation by not less than one-step increase of the grade from which he is

transferred or promoted, unless a higher rate is authorized under the provisions of § 25.103 (b). However, if a special minimum rate has been established under § 25.105 for the class of positions, the employee will not receive less than the special minimum pay rate. If there is no rate in such higher grade which is at least a one-step increase above his existing rate of basic compensation, he shall receive the maximum scheduled rate of such higher grade, or his existing rate, whichever is the higher.

§ 25.105 Special adjustments in minimum pay rate of the class. (a) The Commission may establish the minimum rate of basic compensation for a specific class of positions under the Classification Act of 1949, as amended, in a particular area or location at a step rate of the grade which is higher than the normal minimum if the following two conditions are met:

(1) A sufficient number of qualified eligibles in the given occupational class cannot be secured in the particular area or location at the normal minimum rate, and

(2) There is a possibility that a sufficient number of qualified eligibles can be secured by increasing the minimum rate for such class in the particular area or location to one of the higher step rates within the grade.

(b) The minimum rate shall be increased only to the extent believed necessary to produce sufficient additional appointees.

(c) The agency that initiates a request for an increased minimum rate shall be responsible for submitting complete supporting data including, on the specific request of the Commission, a survey of the prevailing entrance rates paid by non-Federal employers in the area. Information and data obtained from private firms in the course of a salary survey shall be available only to the agencies concerned in evaluating the data.

(d) All Federal activities in the defined area or location shall be notified of the new rate and the effective date when a minimum entrance rate is changed.

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(For use during 1954)

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(e) As of the effective date of the application of any decision raising a minimum rate under this authority, each Federal activity in the defined area or location shall adjust the basic compensation of its current employees in the specific occupational class or classes to the new minimum rate. Such an adjustment shall not be regarded as an "equivalent increase" in compensation within the meaning of title VII of the Classification Act of 1949 as amended. Pay of employees who are already receiving basic compensation at a rate equivalent to or above the new minimum shall not be affected.

(f) Both the Commission and the agencies shall be responsible for initiating action to discontinue or revise a specially authorized minimum rate whenever the increased rate is no longer needed to meet recruitment needs.

(g) Special minimum rates established under this section may be revised from time to time by the Commission.

(h) When a special increased minimum rate is discontinued or reduced, the pay of employees on the rolls in positions affected by the decision shall not be reduced because of the decision.

(i) A statutory revision of the pay schedules of the Classification Act of 1949 as amended shall automatically change the minimum rate authorized under this section to the nearest step rate of the new schedule which does not result in a decrease of such authorized minimum rate.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] Wm. C. HULL,
Executive Assistant.

[F. R. Doc. 54-9589; Filed, Dec. 3, 1954;
8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[Navel Orange Reg. 36]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.336 *Navel Orange Regulation 36*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as herein-after provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 2, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 5, 1954, and ending at 12:01 a. m., P. s. t., December 12, 1954, is hereby fixed as follows:

- (i) District 1: 646,800 boxes;
- (ii) District 2: 29,599 boxes;
- (iii) District 3: 57,750 boxes;
- (iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 3, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 54-9636; Filed, Dec. 3, 1954;
11:13 a. m.]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1954-1955 FISCAL PERIOD

On November 10, 1954, notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 7297) regarding the expenses and the fixing of the rate of assessment for the 1954-1955 fiscal period under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 933.208 *Expenses and rate of assessment for the 1954-1955 fiscal period.* (a) The expenses necessary to be incurred by the Growers Administrative Committee established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1954, and ending July 31, 1955, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to \$152,000 and the rate of assessment to be paid by each handler shall be four mills (\$0.004) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforesaid expenses.

(b) As used in this section, the terms "standard packed box," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(c) The provisions of this section shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 1, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-9591; Filed, Dec. 3, 1954;
8:49 a. m.]

[Lemon Reg. 566]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.673 *Lemon Regulation 566*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the

handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 1, 1954; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 5, 1954, and ending at 12:01 a. m., P. s. t., December 12, 1954, is hereby fixed as follows:

- (i) District 1: 35 carloads;
- (ii) District 2: 170 carloads;
- (iii) District 3: 10 carloads.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 2, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 54-9622; Filed, Dec. 3, 1954;
8:54 a. m.]

Subchapter B—Prohibitions of Imported Commodities

ESTABLISHMENT OF SUBCHAPTER AND RE- DESIGNATION OF GENERAL REGULATIONS

EDITORIAL NOTE: A new Subchapter B—Prohibitions of Imported Commodities is established in Chapter IX of Title 7 to include Parts 1060 to 1079, inclusive. Sections 900.150 to 900.154, inclusive (19 F. R. 7707), are transferred to Subchapter B as Part 1060—General Regulations, §§ 1060.1 to 1060.5, inclusive.

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 178; Docket No. R-143]

PART 1—RULES OF PRACTICE AND PROCEDURE

HEARINGS

In this proceeding the Commission has under consideration the amendment of § 1.20 of its rules of practice and procedure (18 CFR 1.20) to provide that formal hearings shall be held either as ordered by the Commission or its Secretary.

The Commission's General Order No. 157, Approving and Making Effective Revised Organizational Statement, issued December 29, 1950 (16 F. R. 137) provides in paragraph 5 (c) for the delegation of final authority to the Commission's Secretary "to schedule hearings and issue notices thereof" but since the rule relating to hearings provides that they shall be held only as ordered by the Commission, it is desirable to make plain the Commission's intention that hearings be held pursuant to either order of the Commission or notice of the Secretary.

It appears also that the proposed amendment represents a matter of practice and procedure which does not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The following proposed amendment is necessary and appropriate for the purposes of the Federal Power and Natural Gas Acts.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 308 and 309 (49 Stat. 858; 16 U. S. C. 825g, 825h), and the Natural Gas Act, particularly sections 15 and 16 (52 Stat. 829, 830; 15 U. S. C. 717n, 717o), orders:

(A) Section 1.20 (a) of Part 1—Rules of Practice and Procedure—Subchapter A, General Rules, Chapter I of Title 18,

Code of Federal Regulations, is amended hereby to read as follows:

§ 1.20 *Hearings*—(a) *How ordered.* Hearings for the purpose of taking evidence shall be held as ordered by the Commission or scheduled by the Secretary and pursuant to adjournments thereof. In fixing the time and place of hearing due regard will be given to the convenience and necessity of the parties or their attorneys so far as time and the proper execution of the Commission's functions permit, and notice will be given as provided in § 1.19; however, unless otherwise directed by the Commission or the presiding officer, not less than 15 days notice of the time and place of any indefinitely postponed hearing shall be given to the participants or their attorneys of record.

(B) The amended § 1.20 (a) herein prescribed shall become effective immediately upon issuance of this order.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 309, 49 Stat. 858, sec. 16, 52 Stat. 830; 16 U. S. C. 825h, 15 U. S. C. 717o)

Adopted: November 24, 1954.

Issued: November 30, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9559; Filed, Dec. 3, 1954;
8:45 a. m.]

[Order 177; Docket No. R-141]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 260 of the Federal Power Commission's general rules and regulations prescribing the form of the annual report, FPC Form No. 2, required of Class A and B Natural Gas Companies subject to the provisions of the Natural Gas Act; Docket No. R-141.

The Commission has under consideration in this proceeding the amendment of § 260.1 of Part 260 of its general rules and regulations (18 CFR, Chapter I, Subchapter G, Part 260) by revising two schedules of the Annual Report, FPC Form No. 2, required of Natural Gas companies (Classes A and B), and adding an additional schedule.

The proposed amendments, developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, are designed to simplify and clarify certain previously prescribed schedules of FPC Form No. 2.

The Commission finds:

(1) The proposed amendments represent matters of practice and procedure which do not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Natural Gas Act.

(3) Good cause exists that these amendments become effective as herein-after ordered.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, and particularly Sections 8, 10, and 16 thereof (52 Stat. 821, 825, 826, and 830; 15 U. S. C. 717, 717g, 717i, 717o), orders:

(A) Section 260.1, entitled "Form No. 2, Annual Reports for Natural Gas Companies (Classes A and B)" of Part 260 of the Commission's general rules and regulations (18 CFR, Chapter 1, Subchapter G, Part 260) is hereby amended in the following respects:

(1) In the schedule entitled "Clearing Accounts (Account 143) page 34:

Amend Instruction 2 to read as follows: "2. For each clearing account state the general basis of distribution."

Delete columns (c) and (d), "Debits During Year" and "Credits During Year."

(2) In the schedule entitled "Sales of Natural Gas by Communities," pages 74-75, amend the first and second sentences of Instruction 1 to read as follows: "Report below sales of natural gas to residential, commercial, and industrial customers in each community of 10,000 population or more, or each community of smaller size as may be required by a state regulatory commission concerned. Report in total for each state, sales by classes of service in other communities of smaller size."

(3) Add new schedule entitled "Reserve for Deferred Federal Income Taxes" (Account 259) as page 48A in the form attached.

(B) This order, and the amendments to the Annual Report Form No. 2 herein prescribed, shall become effective December 31, 1954, for the filing of annual reports on FPC Form No. 2 by Class A and B Natural Gas Companies for the year

1954 and thereafter until further order of the Commission.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the **FEDERAL REGISTER**.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Adopted: November 17, 1954.

Issued: November 30, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-9560; Filed, Dec. 3, 1954;
8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 99]

PART 608—RESTRICTED AREAS

KODIAK ISLAND, ALASKA

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.61, the Kodiak Island, Alaska, area (R-350, formerly D-350), published on July 16, 1949, in 14 F. R. 4298 and amended on August 25, 1954 in 19 F. R. 5394, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
KODIAK ISLAND (R-350, formerly D-350) (WAC 130).	From latitude 57°28', longitude 151°25'; to latitude 57°45', longitude 151°08'; to latitude 56°53', longitude 151°48'; to latitude 57°03', longitude 152°08' to point of beginning.	Surface to 10,000 feet mean sea level.	0800 to 1700 daily.	Alaskan Sea Frontier.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 15, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9584; Filed, Dec. 3, 1954;
8:48 a. m.]

[Amdt. 78]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are

2. Section 610.104 *Amber civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Clifton (INT), Tex....	Stadium (INT), Tex..	2,100

3. Section 610.201 *Red civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Baker, Oreg. (LFR)...	Boise, Idaho (LFR)...	9,000
Payette, Idaho (FM)...	Boise, Idaho (LFR) (southeast-bound only).	5,500

4. Section 610.231 *Red civil airway No. 31* is amended to read in part:

From—	To—	Minimum altitude
Rapid City, S. Dak. (LFR).	Int. E crs. Rapid City (LFR) and SW crs. Pierre, S. Dak. (LFR).	4,400
Int. E crs. Rapid City (LFR) and SW crs. Pierre, S. Dak. (LFR).	Pierre, S. Dak. (LFR).	3,500

5. Section 610.246 *Red civil airway No. 46* is added to read:

From—	To—	Minimum altitude
U. S. Canadian Border.	Minot, N. Dak. (LFR).	4,000
Minot, N. Dak. (LFR).	Jamestown, N. Dak. (LFR).	3,400

6. Section 610.613 *Blue civil airway No. 13* is amended to read in part:

From—	To—	Minimum altitude
Shreveport, La. (LFR).	Texarkana, Ark. (LFR).	1,800

7. Section 610.668 *Blue civil airway No. 68* is amended to read:

From—	To—	Minimum altitude
Midland, Tex. (LFR)...	Midland (INT), Tex..	4,000

8. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Brunswick, Ga. (VOR), direct or E alter.	Savannah, Ga. (VOR), direct or E alter.	1,500
Savannah, Ga. (VOR), direct or W alter.	Charleston, S. C. (VOR), direct or W alter.	1,200
Miami, Fla. (VOR)....	West Palm Beach, Fla. (VOR).	1,500

adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

1. Section 610.15 *Green civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Sulphur Springs, Tex. (LFRBN).	Redwater (INT), Tex.	1,700
Redwater (INT), Tex.	Texarkana, Ark. (LFR).	1,800

9. Section 610.6004 *VOR civil airway*
No. 4 is amended to read in part:

From—	To—	Minimum altitude
Baker, Oreg. (VOR)...	Boise, Idaho (VOR)...	9,000
Payette, Idaho (FM)...	Boise, Idaho (VOR) (southeast-bound only).	5,500

10. Section 610.6007 *VOR civil airway*
No. 7 is amended by adding:

From—	To—	Minimum altitude
Nashville, Tenn. (VOR).	Lewisburg (INT), Ky.	4,600
Lewisburg (INT), Ky.	Evansville, Ky. (VOR).	3,000

¹ 2,500'—Minimum terrain clearance altitude.

11. Section 610.6012 *VOR civil airway*
No. 12 is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR).	Latrobe ¹ (INT), Pa.	3,000
Latrobe (INT), Pa.	Altoona (INT), Pa.	4,500
Altoona (INT), Pa.	Harrisburg, Pa. (VOR).	4,000

¹ 4,000'—Minimum crossing altitude at Latrobe (INT), eastbound.

12. Section 610.6013 *VOR civil airway*
No. 13 is amended to read in part:

From—	To—	Minimum altitude
Shreveport, La. (VOR).	Texarkana, Ark. (VOR).	1,800

13. Section 610.6014 *VOR civil airway*
No. 14 is amended to read in part:

From—	To—	Minimum altitude
Neosho, Mo. (VOR)...	Springfield, Mo. (VOR).	2,400
Via N alter.....	Via N alter.....	2,500
Via S alter.....	Via S alter.....	2,600

14. Section 610.6015 *VOR civil airway*
No. 15 is amended to read in part:

From—	To—	Minimum altitude
Little Elm (INT), Tex., via W alter.	Sanger (INT), Tex., via W alter.	2,400

¹ 1,800'—Minimum terrain clearance altitude.

15. Section 610.6027 *VOR civil airway*
No. 27 is amended to read in part:

From—	To—	Minimum altitude
Salinas, Calif. (VOR)...	Lightship (INT), Calif.	5,000
Lightship (INT), Calif.	Ukiah, Calif. (VOR)...	6,000

16. Section 610.6042 *VOR civil airway*
No. 42 is amended to read in part:

From—	To—	Minimum altitude
Atwater (INT), Ohio...	Sebring (INT), Ohio...	3,700

¹ 2,500'—Minimum terrain clearance altitude.

17. Section 610.6114 *VOR civil airway*
No. 114 is amended to read in part:

From—	To—	Minimum altitude
Wichita Falls, Tex. (VOR), via N alter.	Sanger (INT), Tex., via N alter.	2,700
Sanger (INT), Tex., via N alter.	Little Elm (INT), Tex., via N alter.	2,400
Little Elm (INT), Tex., via N alter.	Dallas, Tex. (VOR), via N alter.	2,000
Dallas, Tex. (VOR)....	Gregg County, Tex. (VOR).	2,300
Gregg County, Tex. (VOR).	Shreveport, La. (VOR).	1,800

¹ 2,500'—Minimum terrain clearance altitude.

² 1,800'—Minimum terrain clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective
December 21, 1954.

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-9547; Filed, Dec. 3, 1954;
8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1890]

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

MISCELLANEOUS AMENDMENTS

The following amendments are necessary to show a change from the practice of issuing present interest noncompetitive leases for acquired lands on a form separate and distinct from the lease application, to a procedure by which a standardized noncompetitive oil and gas lease offer form for acquired lands becomes a present interest lease when signed on behalf of the United States. The change will make the handling of such leases for acquired lands substantially similar to that for public domain

lands and will eliminate some of the steps now necessary in issuing such leases. The amendments will become effective 60 days after date of issuance hereof by the Secretary of the Interior, except as provided in § 200.11. The amendments are as follows:

Sections 200.3, 200.4, 200.5, 200.6, 200.7 (a), (b) and (d), and 200.8 are amended, and a new § 200.11 is added, to read as follows:

* § 200.3 *Stipulations and consent of agency having jurisdiction of land.* Leases or permits may be issued only with the consent of the head or other appropriate official of the executive department, independent establishment or instrumentality having jurisdiction over the lands containing the deposits, or holding a mortgage or deed of trust secured by such lands, and subject to such conditions as that official may prescribe to insure adequate utilization of the lands for the primary purpose for which they were acquired or are being administered. All applications and offers for permits or leases should name, if practicable, the Government agency from which consent to the issuance of a permit or lease must be obtained, or the agency that may have title records covering the ownership of the mineral interest involved, and identify the project, if any, of which the land is a part. Permits or leases to which such consent is necessary will not be issued until the lessee or permittee executes such stipulations as may be required by the consenting agency.

§ 200.4 *Other regulations applicable: Lease forms, applications, and offers.* Except as otherwise specifically provided in §§ 200.1 to 200.11, inclusive, the regulations prescribed under the mineral leasing laws, and contained in Parts 70, 71, and 191 to 198, inclusive, of this chapter, shall govern the disposal and development of minerals under the act to the extent that they are not inconsistent with the provisions of the act. All present interest acquired lands oil and gas leases whether the Government's interest be full or fractional shall be issued on Form 4-1196. Future interest and fractional future interest leases shall be issued on Form 4-1097.

§ 200.5 *Supplemental information required in offers and applications for leases and permits; place of filing.* (a) Each offer or application for a lease or permit must contain (1) a statement that applicant's interest, direct or indirect, in leases, permits or applications for similar minerals does not exceed a maximum chargeable acreage permitted to be held for that mineral in federally owned acquired lands in the same State, and (2) a complete and accurate description of the lands for which a lease or permit is desired. If surveyed according to the governmental "rectangular system", they should be described by legal subdivision, section, township and range, and if not so surveyed, by metes and bounds connected with a corner of the public surveys by courses and distances, or described in a manner con-

sistent with the description in the deed of the United States. The description should, if practicable, refer to (i) the administrative unit or project of which the land is a part, the purpose for which the land was acquired by the United States, and the name of the governmental body having jurisdiction over the land, (ii) the name of the persons who conveyed the lands to the United States, (iii) the date of such conveyance, and the place, liber and page number of its official recordation.

(b) An application or offer under the act must be filed in the proper land office as set forth in § 200.8 (b). Such application or offer will be considered only as to the acquired lands described therein. If public domain lands or minerals are also included the application or offer will be rejected as to such lands or minerals.

§ 200.6 *Restriction on holdings.* The amount of acquired lands acreage that may be held under lease or permit either directly or indirectly, individually or as a member of an association or a corporation may not be in excess of the amount of public domain acreage for the same minerals permitted to be held under the mineral leasing laws. Public domain lease holdings shall not be charged against acquired lands lease holdings; such respective holdings shall not be interchangeable. Where the United States owns only a fractional interest in the mineral resources of the lands involved, only that part of the total acreage involved in the lease which is proportionate to the ownership by the United States of the mineral resources therein shall be charged as acreage holdings. The acreage embraced in a future interest lease is not to be charged as acreage holdings until the lease for the future interest takes effect.

§ 200.7 *Leases of future or fractional interests—(a) General.* Subject to the provisions of section 3 of the act, noncompetitive leases for future or fractional interests in lands believed, but not known to contain mineral deposits may be issued whenever the public interest will be best served thereby. There is no required form for applications or offers for noncompetitive leases of any mineral subject to the act, except oil and gas. However, such applications and requests to have leases offered competitively for lands known to contain mineral deposits should, to the extent applicable, conform to and include the information required by §§ 200.3, 200.4, 200.5, and this section. The terms and conditions of leases covering future or fractional interests in mineral deposits other than oil and gas, of competitive leases for future or fractional interests in oil and gas deposits within the known geological structure of a producing oil or gas field, and of compensatory royalty agreements under § 192.7 of this chapter covering future or fractional interests, will be established on an individual case basis.

(b) *Offers to lease and leases covering future interests in oil and gas deposits.* A noncompetitive lease for a whole or fractional future interest will be issued only to an offeror who owns all or sub-

stantially all of the present operating rights to the minerals in the lands in the offer as mineral fee owner, as lessee or as an operator holding such rights. There is no required form for an application or offer to lease such whole or fractional future interest. The application or offer therefor should however to the extent applicable, conform to and include the information required by §§ 200.3, 200.4, 200.5 and must be accompanied by a certified abstract of title containing record evidence of the creation of, and offeror's right to the claimed mineral interest. If the offeror acquired the operating rights under a lease or contract, the offer shall also be accompanied by three copies of such lease or contract. In lieu of an abstract, a certificate of title may be furnished. A future interest offer may include tracts in which the United States owns a fractional present interest as well as the future interest for which a lease is sought, but it shall not include tracts where the United States owns the entire mineral interest at the time the offer is made. Future interest leases will become effective on the date when the United States becomes vested with the mineral rights as stated in the lease. A future interest lease having different effective dates for different lands will prescribe a common date for the payment of annual rental or minimum royalty due under the lease with appropriate prorating of periods of less than one year.

(d) *Offers for fractional interest oil and gas leases other than future fractional interests.* An offer for a fractional present interest noncompetitive lease must be executed on Form 4-1196 and must be accompanied by a statement showing whether the offeror owns the entire operating rights to the fractional mineral interest not owned by the United States in each tract covered by the offer to lease, and if not, the extent of the offeror's ownership in the operating rights in each tract, and the names of other parties who own operating rights in such fractional interests. Ordinarily, the issuance of a lease to one who, upon such issuance, would own less than a majority interest of the operating rights in any such tract, will not be regarded as in the public interest, and an offer leading to such result will be rejected.

§ 200.8 *Offer to lease and issuance of lease.* (a) To obtain a present interest noncompetitive oil and gas lease, whether the Government's interest be whole or fractional, an offer to lease must be made on Form 4-1196, "Offer to Lease and Lease for Oil and Gas; Noncompetitive Acquired Lands" or an unofficial exact one page copy of the approved form. The unofficial copies shall include the following statement: "This form is an exact copy of Form 4-1196". Form 4-1196, or a valid reproduction, will constitute the lease, when signed by the authorized signing officer of the Bureau of Land Management.

(b) Seven copies of Form 4-1196 or valid reproduction thereof, for each offer to lease shall be filed in the land office for the State or land district in which the

land is situated, or for land or deposits in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D. C., except that offers for lands or deposits in North or South Dakota, must be filed in the land office at Billings, Montana; for lands or deposits in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands or deposits in Oklahoma and Texas in the land office at Santa Fe, New Mexico. If less than seven copies are filed, the offer will not be rejected, if not otherwise subject to rejection, until 30 days from filing have elapsed and if during that period the remaining required copies are filed, the offeror's priority will date from the date of the first filing. If the additional copies are not filed within the 30-day period, the offer will be rejected and returned and will afford no priority to the offeror. Should the additional copies be filed after the 30-day period but before the offer has been rejected, the offeror will have a priority as of the later filing date. The offer must be filed on a form in effect at the date of filing. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

(c) One of the copies of the offer first filed should be prominently marked as the "original" by the offeror. If not so marked by the offeror one copy of the offer will be marked "original" by the Bureau of Land Management. The copy marked "original" will govern as to the lands to be covered by the lease. Each offer should specify, if possible, the name of the governmental agency having jurisdiction over the surface of the land and also the unit of the project involved.

(d) Each offer should be typewritten or printed plainly in ink and signed in ink by the offeror or the offeror's duly authorized attorney in fact or agent. An offer may be made by a legal guardian or trustee for the benefit of non-alien minors or incompetents. Offers may not be filed by minors or incompetents. Each offer must describe the lands by legal subdivision, section, township, range and State, if the lands are surveyed, or, if not surveyed, by a metes and bounds description connected with a corner of the public land surveys by course and distance or described in a manner consistent with the description in the deed conveying such lands to the United States. The offer must cover only lands entirely within a six-mile square, and must be for an area of not more than 2,560 acres, except where the rule of approximation applies.

(1) Where an offer to lease covers minerals which are subject to sale under the act of September 6, 1950 (64 Stat. 769; 7 U. S. C. 1033), and surface title to the lands applied for is vested in different ownerships, separate leases will be issued for so much of the land as is vested in each separate surface ownership.

(2) If the offer is for lands in which the government has only a future interest in the oil and gas, the offeror must file the additional showing required by § 200.7 (b) and execute the supplemental agreement required by § 200.7 (c).

(e) Each offer, when first filed, shall be accompanied by:

(1) A filing fee of \$10 which will be retained as a service charge even though the offer be rejected or withdrawn by offeror in whole or in part.

(2) Full payment of the first year's rental based on the total acreage if known, or if not known, on the basis of 40 acres for each smallest legal subdivision, or on the computed acreage included within a metes and bounds description.

(3) Evidence of the authority of an attorney in fact or agent who signs the offer and lease on behalf of the offeror except that this shall not apply to an officer of a corporation signing an offer on behalf of the corporation; and in addition if the offeror is an individual, a statement signed by him stating his citizenship and whether his direct and indirect interests in oil and gas leases, applications, and offers for acquired land in the same State exceed 46,080 chargeable acres.

(4) If the offer is signed by an attorney in fact or agent, or if any attorney in fact or agent has been authorized to act on behalf of the offeror with respect to the offer or lease, separate statements over the signatures of the attorney in fact or agent and the offeror stating whether or not there is any agreement or understanding between them, or with any other person, either verbal or written by which the attorney in fact or agent or such other person has received, or is to receive, any interest in the lease when issued, including royalty interest or interest in an operating agreement under the lease giving full details of the agreement or understanding, if it is a verbal one; the statement must be accompanied by a copy of any such written agreement or understanding; and if such an agreement or understanding exists, the statement of the attorney in fact or agent should set forth the citizenship of the attorney in fact or the agent or other person and whether his direct and indirect interests in oil and gas leases, applications, and offers therefor for acquired land in the same State exceed 46,080 acres. This paragraph does not apply where the attorney in fact or agent is a member of an unincorporated association (including a partnership) or is an officer of a corporation and has an interest in the offer or the lease to be issued solely by reason of the fact that he is a member of the association or a stockholder in the corporation.

(5) If the offer is made by a guardian, committee, or trustee, a certified copy of the court order authorizing him to act as such and to enter into the lease in behalf of the minor or incompetent, and a statement as to the citizenship and holdings of the minor or incompetent.

(6) If the offer is made by an association (including a partnership), it must be accompanied by a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(f) If the offeror is a corporation the offer must be accompanied by a statement showing (1) the State in which it is incorporated, (2) that it is authorized

to hold oil and gas leases and that the officer executing the lease is authorized to act on behalf of the corporation in such matters, (3) the percentage of voting stock and of all the stock owned by aliens or by those having addresses outside of the United States, and (4) the names and addresses of the stockholders holding 20 percent or more of the stock of the corporation. When the stock owned by aliens is over 10 percent, additional information may be required by the Bureau before the lease is issued or production is obtained. A separate showing of citizenship and holdings of stockholders owning or controlling 20 percent or more of the stock of any class must also be furnished. Where such material has previously been filed, a reference by serial number to the record in which it has been filed, together with a statement as to any amendments will be accepted.

(g) (1) Except as provided in subparagraph (2) of this paragraph an offer will be rejected and returned to the offeror and will afford the applicant no priority if:

(i) The land description is insufficient to identify the lands, or the lands are not entirely within a 6-mile square.

(ii) The total acreage exceeds 2,560 acres, except where the rule of approximation applies.

(iii) The full filing fee and the first year's rental do not accompany the offer, the rental payment to be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest legal subdivision.

(iv) The offer is signed by an agent in behalf of the offeror and the offer is not accompanied by a statement over the offeror's own signature with respect to holdings and citizenship and by the statements and evidence required by paragraph (e) (4) of this section.

(v) The offer is signed by a guardian or trustee in behalf of a minor and is not accompanied by the evidence required by paragraph (e) (5) of this section.

(vi) Less than seven copies of the offer are filed and the copies lacking are not received in the land office before the expiration of 30 days from the date of receipt of the copies first filed.

(vii) There is noncompliance with item 5 (a) of the Special Instructions. The offeror will be given an opportunity to file a new offer within 30 days from service of the rejection, and the fee and rental payments on the old offer will be applied to the new offer if the new offer shows the serial and receipt numbers of the old offer. The advance rental will be returned unless within the 30-day period another offer is filed.

(2) An offer to lease containing any of the following deficiencies will be approved by the signing officer provided all other requirements are met:

(i) An offer deficient in the first year's rental by not more than 10 percent. The additional rental must be paid within 30 days from notice under penalty of cancellation of the lease.

(ii) An offer covering not more than 10 percent over the maximum allowable acreage of 2,560 acres. The lease will be

approved for 2,560 acres in the discretion of the signing officer or so much over that amount as may be included under the rule of approximation.

(iii) An offer completed in pencil or script.

(iv) An offer on a lease form not currently in use.

(v) An offer or a form not correctly reproduced provided it contains the statement that the offeror agrees to be bound by the terms and conditions of the lease form in effect at the date of filing.

(h) An offer may not be withdrawn, either in whole or in part, unless the withdrawal is received before the lease, an amendment of the lease (Form 4-1163) or a separate lease, whichever covers the land described in the withdrawal, has been signed on behalf of the United States.

(i) (1) The United States will indicate its acceptance of the lease offer, in whole or in part, and the issuance of the lease by the signature of the appropriate officer thereof in the space provided. An executed copy of the lease will be mailed to the offeror at the address of record.

(2) Leases for a whole or fractional future interest will be issued on Form 4-1097. Such leases will be sent to applicant or offeror for execution and return to the proper land office for execution by the appropriate officer. Thereafter, an executed copy will be mailed to lessee.

(j) If any of the land described in item 2 of the offer is open to oil and gas filing when the offer is filed but is omitted from the lease for any reason and thereafter becomes available for leasing to the offeror, the original lease will be amended to include the omitted land unless before the issuance of the amendment to Form 4-1196, the office where the offer was filed received a withdrawal of the offer as to such land or an election to receive a separate lease in lieu of an amendment. Such election shall consist of a signed statement by the offeror asking for a separate lease accompanied by a new offer on Form 4-1196 describing the remaining lands in his original offer, executed pursuant to this section. The new offer will have the same priority as the old offer. It need not be accompanied by the filing fee. The rental payment held on the original offer will be applied to the new offer. The rental and the lease term for the land added by such an amendment shall be the same as if the land had been included in the original lease when it was issued. If a separate lease is issued, it will be dated in accordance with § 192.40a of this chapter.

(k) A transfer of the whole interest in all or any part of the offer may be approved as an incident to the transfer, by assignment or otherwise, of the whole interest in all or any part of the lease. A transfer of an undivided fractional interest in the whole offer may be approved as an incident to the transfer of an undivided fractional interest in the whole lease. An application for approval of a transfer of an offer must include a statement that the transferee agrees to be bound by the offer to the extent that it is transferred and must

be signed by the transferee. In other instances transfers of an offer will not be approved prior to the issuance of a lease for the lands or deposits covered by the said transfers.

(1) If an offeror dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed. If probate has been completed, or is not required, the lease will be issued to the heirs or devisees. However, before the lease is issued the executor or administrator, or the heirs or devisees, as the case may be, must file an offer to lease on Form 4-1196. Such offer will retain the priority of the deceased's offer. If there are any minor heirs or devisees, such offer can only be made by their legal guardian or trustee in their behalf. Each such offer must be accompanied by the following information:

(1) Where probate of the estate has not been completed;

(1) Evidence that the executor or administrator has authority to act as such and to sign the offer and if required, the bond forms.

(2) Where the probate or administration of the estate has been completed;

(1) A certified copy of the decree of distribution.

(3) Where no administration or probate proceedings are required;

(1) A statement signed by the heirs that they are the only heirs of the offeror, citing the provisions of the law of the deceased's last domicile showing that no probate or administration is required.

§ 200.11 Pending applications; use of new Form 4-1196. Applications filed prior to the effective date of the amended regulations in this part will be processed in accordance with the regulations in effect immediately prior to such date and leases will continue to be issued in such cases on Form 4-1097, except:

(a) An applicant may, without losing his priority, file Form 4-1196 for the land described in his application, pursuant to § 200.8, without paying another filing fee if it has already been paid.

(b) When required, the holder of an application filed prior to the effective date of §§ 200.3, 200.4, 200.5, 200.6, 200.7 (a), (b) and (d) and 200.8 must, within 30 days from receipt of notice, file an offer of lease (Form 4-1196) covering the same land in, and bearing the same serial number as his pending application. No additional filing fee will be required. Priority of the original application will be retained. Failure, upon demand to refile will result in the rejection of the original application without further notice.

(c) From the date of issuance of §§ 200.3, 200.4, 200.5, 200.6, 200.7 (a), (b) and (d) and 200.8 until their effective date, filings for leases may be made on Form 4-1196, or in accordance with the prior regulations in this part.

(Sec. 10, 61 Stat. 915; 30 U. S. C. Sup. 359)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

DECEMBER 1, 1954.

[P. R. Doc. 54-9621; Filed, Dec. 3, 1954;
8:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

EDITORIAL NOTE: In order to correct a duplication in section headnotes, the headnote of § 240.10b-3 is changed to read as follows:

§ 240.10b-3 Employment of manipulative and deceptive devices by brokers or dealers.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 8-12]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

FREQUENCY ALLOCATIONS; PASSENGER SHIP RADIOTELEGRAPH WORKING BANDS

EDITORIAL NOTE: In F. R. Doc. 54-9517, appearing at page 7970 of the issue for Thursday, December 2, 1954, the following change should be made:

In the amendment of subparagraph (1) of § 8.321 (a), the parenthetical sentence at the end should be changed so that the phrase "in this part" reads "in this section."

PROPOSED RULE MAKING

• DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 251]

IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

No. 235—2

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Preamble. 1. The regulations in this part shall, as to facts and circumstances arising on and after January 1, 1955, supersede Regulations 21, 1951 Edition (26 CFR (1939) Part 191; 16 F. R. 8530), and Treasury Decisions 5896 (17 F. R. 3641), 6063 (19 F. R. 733), and 6088 (19 F. R. 5055).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

Subpart A—Scope of Regulations

Sec. 251.1 Imported distilled spirits, wines, and beer.
251.2 Forms prescribed.

Subpart B—Definitions

251.5 Meaning of terms.
251.6 Assistant regional commissioner.
251.7 Beer.
251.8 Bottler.
251.9 Container.
251.10 Director, Alcohol and Tobacco Tax Division.
251.11 Distilled spirits.
251.12 District director.
251.13 Importer.
251.14 Including.

Sec. 251.15 Inclusive language.
251.16 I. R. C.
251.17 Person.
251.18 Red strip stamps.
251.19 United States.
251.20 U. S. C.
251.21 Wine.

Subpart C—Special (Occupational) Taxes

251.30 Liquor dealers' special taxes.
251.31 Warehouse receipts covering distilled spirits.

Subpart D—Tax on Imported Distilled Spirits, Wines, Beer, and Imported Perfumes Containing Distilled Spirits

DISTILLED SPIRITS AND PERFUMES

251.40 Distilled spirits.
251.41 Perfumes containing distilled spirits.

WINES

251.42 Wines.
LIQUEURS, CORDIALS, AND OTHER COMPOUNDS AND PREPARATIONS

251.43 Liqueurs, cordials, and similar compounds.
251.44 Other compounds and preparations.

BEER

251.45 Rate of tax.
251.46 Computation of tax.
251.47 Tolerance for containers.

COLLECTION OF INTERNAL REVENUE TAXES

Sec.
251.48 Imported distilled spirits, wines, and beer.

Subpart E—General Requirements

PERMIT FOR IMPORTATION OF DISTILLED SPIRITS AND WINES

251.55 Federal Alcohol Administration Act permit.

MARKING AND STAMPING OF DISTILLED SPIRITS

251.56 Containers of 1 gallon or less.
251.57 Containers in excess of 1 gallon.

LABELING OF DISTILLED SPIRITS

251.58 Containers of 1 gallon or less.

MARKING AND LABELING OF WINES AND BEER

251.59 Wines.
251.60 Beer.

RED STRIP STAMPS FOR CONTAINERS OF DISTILLED SPIRITS

251.61 Containers of distilled spirits to bear red strip stamps.
251.62 Persons authorized to affix red strip stamps.
251.63 Denominations of red strip stamps.
251.64 Requisition, Form 428.
251.65 Statement, Form 1627.
251.66 Approval of requisition.
251.67 Procurement of red strip stamps.
251.68 Overprinting of red strip stamps.
251.69 Manner of affixing red strip stamps.
251.70 Concealing or obscuring red strip stamps.
251.71 Affixing red strip stamp over cup or cap.
251.72 Exportation of imported distilled spirits; red strip stamps.

EXEMPTIONS

251.73 Exemption from stamping, marking, bottling, and labeling requirements.

Subpart F—Red Strip Stamps To Be Affixed in a Foreign Country

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251.81 Requisition, Form 428.
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AUTHORITY: §§ 251.1 through 251.160 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCE: For regulations with respect to distilled spirits, wines, and beer arriving in the United States from Puerto Rico and the Virgin Islands, see Part 250 of this subchapter.

SUBPART A—SCOPE OF REGULATIONS

§ 251.1 *Imported distilled spirits, wines, and beer.* This part, "Importation of Distilled Spirits, Wines and Beer", contains procedural and substantive requirements relative to the importation of distilled spirits, wines, and beer into the United States from foreign countries including special (occupational) and commodity taxes, permits, marking, branding, labeling, and stamping of containers and packages, and records and reports.

NOTE: Distilled spirits, wines, and beer arriving in the United States from Puerto Rico and the Virgin Islands are governed by the provisions of Title 26, Code of Federal Regulations, Part 250.

§ 251.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 251.5 *Meaning of terms.* As used in this part, unless the context otherwise

requires, terms shall have the meanings ascribed in this subpart.

§ 251.6 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the regional commissioner of internal revenue.

§ 251.7 *Beer.* "Beer" shall mean all beer, ale, porter, stout and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

§ 251.8 *Bottler.* "Bottler" shall mean a distiller, rectifier, and proprietor of an internal revenue bonded warehouse, tax-paid bottling house, taxpaid wine bottling house, industrial alcohol plant, industrial alcohol bonded warehouse, or a class 8 bonded warehouse qualified under the customs laws, and an agency of the United States or any State or political subdivision thereof.

§ 251.9 *Container.* "Container" when used in connection with imported distilled spirits shall mean a liquor bottle or other authorized container of a capacity of one-half pint to 1 gallon, inclusive, conforming to Part 175 of this title, and, in so far as red strip stamp and labeling requirements are concerned, also any container of less than one-half pint. "Container" when used in connection with imported wines or beer shall mean any bottle, cask, or other closed receptacle, irrespective of size or of the material from which made.

§ 251.10 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division", shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 251.11 *Distilled spirits.* "Distilled spirits" shall mean (a) ethyl alcohol, hydrated oxide of ethyl, and spirits of wine, from whatever source derived or by whatever process produced, and (b) any alcoholic distillate fit for beverage purposes, such as whisky, brandy, gin, rum, liqueurs, cordials and bitters, and all compounds, by whatever name called, containing distilled spirits and fit for beverage purposes, but shall not include wine, as defined in § 251.21, containing 24 per centum or less of alcohol by volume.

§ 251.12 *District director.* "District director" shall mean the district director of internal revenue.

§ 251.13 *Importer.* "Importer" shall mean any person who imports distilled spirits, wines, or beer into the United States.

§ 251.14 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 251.15 *Inclusive language.* Words in the plural form shall include the

singular, and vice versa, and words in the masculine gender shall include the feminine, associations, partnerships, and corporations.

§ 251.16 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 251.17 *Person.* "Person" shall mean and include natural persons, associations, partnerships, and corporations.

§ 251.18 *Red strip stamps.* "Red strip stamps" shall mean the stamps prescribed under authority of section 5008 (b), I. R. C.

§ 251.19 *United States.* "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 251.20 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 251.21 *Wine.* "Wine" shall mean (a) still wine, including vermouth or other aperitif wine, artificial or imitation wines or compounds sold as still wine, champagne or sparkling wine, and artificially carbonated wine, and (b) flavored or sweetened fortified or unfortified wines, by whatever name sold or offered for sale, containing not over 24 percent alcohol by volume.

SUBPART C—SPECIAL (OCCUPATIONAL) TAXES

§ 251.30 *Liquor dealers' special taxes.* Every person engaged in business as an importer within the meaning of the term as defined in § 251.13, who sells, or offers for sale, distilled spirits, wines, or beer, must file Form 11 with the district director of internal revenue and pay special (occupational) taxes as wholesale dealer or retail dealer in liquor, or both, or, if beer only is dealt in, as wholesale beer dealer, or retail beer dealer, or both, in accordance with the law and regulations governing the payment of such special taxes. See Part 194 of this title.

(68A Stat. 618, 620, 621; 26 U. S. C. 5111, 5112, 5121, 5122)

§ 251.31 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person engaged in business as an importer of distilled spirits, who sells, or offers for sale, warehouse receipts for distilled spirits stored in customs bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where the warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 251.30.

(68A Stat. 618, 620, 621; 26 U. S. C. 5111, 5112, 5121, 5122)

SUBPART D—TAX ON IMPORTED DISTILLED SPIRITS, WINES, BEER, AND IMPORTED PERFUMES CONTAINING DISTILLED SPIRITS

DISTILLED SPIRITS AND PERFUMES

§ 251.40 *Distilled spirits.* Distilled spirits in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of \$10.50 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. On and after April 1,

1955, the rate of tax shall be \$9 in lieu of \$10.50.

(68A Stat. 595; 26 U. S. C. 5001)

§ 251.41 *Perfumes containing distilled spirits.* Imported perfumes containing distilled spirits are subject to an internal revenue tax, when withdrawn, at the rate of \$10.50 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon. On and after April 1, 1955, the rate of tax shall be \$9 in lieu of \$10.50.

(68A Stat. 595; 26 U. S. C. 5001)

WINES

§ 251.42 *Wines.* All wines, including imitation, substandard or artificial wine, and compounds sold as wine, having not in excess of 24 percent of alcohol by volume, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax at the rates shown below, such taxes to be determined at the time of removal from customs custody for consumption or sale.

(a) On still wines containing not more than 14 percent of alcohol by volume, 17 cents per wine gallon, except that on and after April 1, 1955, the rate shall be 15 cents per wine gallon;

(b) On still wines containing more than 14 percent and not exceeding 21 percent of alcohol by volume, 67 cents per wine gallon, except that on and after April 1, 1955, the rate shall be 60 cents per wine gallon;

(c) On still wines containing more than 21 percent and not exceeding 24 percent of alcohol by volume, \$2.25 per wine gallon, except that on and after April 1, 1955, the rate shall be \$2.00 per wine gallon;

(d) On champagne and other sparkling wines, \$3.40 per wine gallon, except that on and after April 1, 1955, the rate shall be \$3.00 per wine gallon;

(e) On artificially carbonated wines, \$2.40 per wine gallon, except that on and after April 1, 1955, the rate shall be \$2.00 per wine gallon;

(f) All wines containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(68A Stat. 609; 26 U. S. C. 5041)

LIQUEURS, CORDIALS, AND OTHER COMPOUNDS AND PREPARATIONS

§ 251.43 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds, containing distilled spirits, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rates applicable to distilled spirits. Fortified or unfortified wines, containing not over 24 percent alcohol by volume, to which sweetening or flavoring materials, but no distilled spirits, have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines.

(68A Stat. 595, 609; 26 U. S. C. 5001, 5041)

§ 251.44 *Other compounds and preparations.* Compounds and preparations, other than those specified in § 251.43 containing distilled spirits, which are fit

for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rates applicable to distilled spirits. Compounds and preparations, containing fortified or unfortified wine, but no distilled spirits, which are fit for beverage purposes and which are sold as wine, are subject to internal revenue tax at the rates applicable to wines.

(68A Stat. 595, 609; 26 U. S. C. 5001, 5041)

BEER

§ 251.45 *Rate of tax.* All beer as defined in § 251.7, imported into the United States, is subject to an internal revenue tax of \$9 for every barrel containing not more than 31 gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. On and after April 1, 1955, the tax shall be at the rate of \$8 in lieu of \$9. The tax on beer shall be determined on sale or removal for consumption or sale and shall be paid by the importer, in accordance with customs requirements.

(68A Stat. 611, 613, 614; 26 U. S. C. 5051, 5055, 5061)

§ 251.46 *Computation of tax.* In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and, except as provided in § 251.47, any fractional part of a barrel, containing less than one-eighth, shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. The tax on any other quantity, as for example, bottled beer, will be computed on the basis of actual quantity at the rate prescribed by law.

(68A Stat. 611; 26 U. S. C. 5051)

§ 251.47 *Tolerance for containers.* The provisions of § 251.46 requiring the accounting of barrels and fractional parts of barrels at the next higher quantity shall not apply where the contents of any wooden barrel containing more than 31 gallons do not exceed 31 gallons by more than one-half gallon, and a proportionate quantity as to fractional wooden containers; nor where the contents of any metal barrel containing more than 31 gallons do not exceed 31 gallons by more than one-quarter gallon, and a proportionate quantity as to fractional metal containers; and no tax shall be collected on any excess which is within the limits of such tolerance.

(68A Stat. 611; 26 U. S. C. 5051)

COLLECTION OF INTERNAL REVENUE TAXES

§ 251.48 *Imported distilled spirits, wines, and beer.* Internal revenue taxes payable on imported distilled spirits, including perfumes containing distilled

spirits, and on wines and beer, are collected, accounted for, and deposited as internal revenue collections by collectors of customs in accordance with customs requirements.

SUBPART E—GENERAL REQUIREMENTS

PERMIT FOR IMPORTATION OF DISTILLED SPIRITS, WINES AND BEER

§ 251.55 *Federal Alcohol Administration Act permit.* Under the Federal Alcohol Administration Act and the regulations issued pursuant thereto (Regulations 1, 27 CFR Part 1), any person except an agency of a State or political subdivision thereof, or any officer or employee of any such agency, intending to engage in the business of importing distilled spirits, wines or beer for nonindustrial use is required to procure a permit (Form 1631) therefor.

(49 Stat. 978, as amended; 27 U. S. C. 203)

MARKING AND STAMPING OF DISTILLED SPIRITS

§ 251.56 *Containers of 1 gallon or less.* Imported containers of distilled spirits of 1 gallon or less, and empty containers imported for the bottling of imported distilled spirits of 1 gallon or less, are required to be marked under customs regulations (19 CFR Parts 11 and 12) and containers of one-half pint to 1 gallon are required to be marked under Part 175 of this subchapter, and stamped in accordance with this part.

§ 251.57 *Containers in excess of 1 gallon.* Imported containers of distilled spirits in excess of 1 gallon are required to be marked and stamped under customs regulations (19 CFR Parts 11 and 12).

LABELING OF DISTILLED SPIRITS

§ 251.58 *Containers of 1 gallon or less.* Labels on imported containers of distilled spirits, and on containers of imported distilled spirits bottled in customs custody, for sale at retail, are required to be covered by a certificate of label approval (Form 1649) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 5, 27 CFR Part 5). Containers of imported distilled spirits bottled after taxpayment and withdrawal from customs custody are required to be covered by a certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 5, 27 CFR Part 5). When distilled spirits are to be labeled under a certificate of exemption from label approval, the labels affixed to containers are required to conform to Part 175 of this subchapter.

MARKING AND LABELING OF WINES AND BEER

§ 251.59 *Wines.* All imported wines containing not less than 7 percent and not more than 24 percent of alcohol by volume are required to be packaged, marked, branded, and labeled in conformity with the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 4,

27 CFR Part 4), prior to their removal from customs custody. Containers of imported wine bottled or packaged after taxpayment and withdrawal from customs custody are required to be covered by a certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 4, 27 CFR Part 4). Imported containers of wine are required also to be marked, branded and labeled in accordance with customs regulations (19 CFR Parts 11 and 12).

§ 251.60 *Beer.* All imported beer is required to be released from customs custody in conformity with the Federal Alcohol Administration Act and regulations thereunder. The attention of all concerned is directed, in this connection, to the provisions of Regulations 7 (27 CFR Part 7) relating to the labeling and advertising of malt beverages, issued under the Federal Alcohol Administration Act. Imported containers of beer are required to be marked and labeled in accordance with customs regulations (19 CFR Parts 11 and 12).

RED STRIP STAMPS FOR CONTAINERS OF DISTILLED SPIRITS

§ 251.61 *Containers of distilled spirits to bear red strip stamps.* The immediate containers of imported distilled spirits are required to bear red strip stamps indicating the payment of all internal revenue taxes thereon, with the following exceptions:

(a) Distilled spirits in bond or in customs custody;

(b) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale; or

(c) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.62 *Persons authorized to affix red strip stamps.* Red strip stamps shall be affixed to imported containers of distilled spirits as follows: (a) By the bottler or exporter in a foreign country, as prescribed by Subpart F; (b) under customs supervision, by the bottler in a foreign country, as prescribed by Subpart G; or (c) by the importer or owner in a customs bonded warehouse, as prescribed by Subpart H. The bottler of distilled spirits imported in bulk shall affix stamps to the containers, as prescribed by Subpart I of this part.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.63 *Denominations of red strip stamps.* Red strip stamps will be provided in the following denominations only: 1 gallon, $\frac{1}{2}$ gallon, 1 quart, $\frac{1}{2}$ quart, $\frac{1}{4}$ quart, 1 pint, $\frac{1}{2}$ pint, $\frac{1}{4}$ pint, $\frac{1}{8}$ pint, and less than $\frac{1}{8}$ pint. When containers for which standards of fill are not prescribed are of sizes for which no stamps are provided, the person required to affix the stamps shall use those of the denomination next under

the actual quantity of spirits in the containers, as, for instance, a stamp of the $\frac{1}{2}$ pint denomination for a container of more than $\frac{1}{2}$ pint and less than $\frac{3}{4}$ pint, and shall block or strike out the original denomination and write or print on the stamps immediately above the blocked or stricken out denomination the exact quantity of spirits in the containers. Stamps of the denomination of "less than $\frac{1}{2}$ pint" need not be changed to show the exact quantity in the containers.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.64 *Requisition, Form 428.* Requisition for red strip stamps shall be made by the importer, or his duly authorized agent, or by the subsequent purchaser of the distilled spirits as provided in this section, on Form 428, in triplicate. Where an importer has given a bottler or another agent power of attorney to sign Form 428, the importer's name must be given, followed by the signature of the person authorized and the words "Attorney in Fact." A copy of the power of attorney must be filed with the collector of customs. The local address of the importer, or his agent, must be given on Form 428 before approval by the collector of customs. The importer must present and file (if he has not already done so) with the collector of customs a certified or photostatic copy of his permit issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder at the time he presents his first Form 428 for approval. All Forms 428 shall be submitted to the collector of customs of the district in which the place of business of the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be is located.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.65 *Statement, Form 1627.* The importer, or his duly authorized agent, shall submit with Form 428 for stamps to be sent to a foreign country a sworn statement on Form 1627, that the stamps requisitioned on Form 428 are required to supply existing orders and/or anticipated requirements within 30 days from the date of the requisition and will be used for the quantity of distilled spirits to be imported through the designated port (or other port or ports to be designated subsequently on Form 1627A as provided by §§ 251.86 and 251.87) at which warehouse or consumption entries will be filed. All of the information indicated by the headings of the columns and lines and the instructions printed on the form, shall be entered thereon.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.66 *Approval of requisition.* The collector of customs will approve Form 428 if he is satisfied that the importer is the holder of an I permit issued pursuant to the Federal Alcohol Administration Act and the regulations promulgated thereunder and that the red strip stamps are required for distilled spirits to be imported, or to be removed from customs custody, as prescribed in this part. The collector of customs will retain Form 1627 and one copy of Form 428 and return the original and remaining copy of

Form 428 to the applicant for submission to the proper district director of internal revenue.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.67 *Procurement of red strip stamps.* Red strip stamps shall be procured by the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, from the district director of internal revenue of the district in which the place of business of such applicant is located. The applicant shall forward to the district director of internal revenue the original and copy of the approved Form 428. The district director of internal revenue may issue the exact number of stamps requisitioned thereon even though it is necessary to use portions of sheets. The district director of internal revenue will enter the serial numbers of the stamps issued and stamp the date of issue on both copies of Form 428. He will retain the original copy and send the remaining copy to the proper assistant regional commissioner.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.68 *Overprinting of red strip stamps.* The importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have indelibly overprinted in plain and legible letters on each of the red strip stamps, at his expense, the name and address of the importer, which shall, for example, be as follows: "John Doe & Co., Baltimore, Md." He shall submit the stamps to the collector of customs, who will verify the overprinting and make an endorsement showing the verification on the retained original Form 1627 submitted with Form 428. The collector of customs will then (a) deliver the stamps to the importer, or his duly authorized agent, for transmission to the bottler or exporter abroad, as provided by Subpart F; or (b) forward them to the officer assigned to the foreign bottler, as provided by Subpart G; or (c) deliver them to the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, for affixing to the containers in customs bonded warehouse, as prescribed by Subparts H and I.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.69 *Manner of affixing red strip stamps.* The red strip stamps must be securely affixed to the containers with the use of a good adhesive. The adhesive used must be in proper liquid condition. Care must be taken to insure secure adherence of the stamp to the container. The stamp must be affixed in such a manner that it will be broken when the container is first opened, but so placed that a portion of the stamp will remain attached to the opened container.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.70 *Concealing or obscuring red strip stamps.* No part of the red strip stamp shall be concealed or obscured by any label or other covering, except that a cup may be placed over the opening of the container or the container may be placed in a carton, as provided in this

section. Seals made of cellulose or other material which are shrunk or otherwise fitted over the necks of the containers and cover the stamps must be sufficiently transparent to permit the stamps to be plainly seen and the data thereon easily read. No cup or cap may be placed over the opening of a container and cover the stamp, unless such cup or cap is transparent or is so placed on the container that it may be readily removed at any time without injury to the stamp and the arrangement is such that the ends of the stamp will be plainly visible when the cap or cup is in place. Cartons or other coverings of containers of distilled spirits are permitted, if so made that they may be opened and closed without being torn or broken. Sealed cartons or other coverings may not be used unless transparent or unless openings therein permit the data on the stamp and the indicia and penalty clause required by Part 175 of this subchapter on the container to be plainly seen and read.

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

§ 251.71 *Affixing red strip stamp over cup or cap.* The red strip stamp may be affixed over a cup or cap placed over the opening of the container, provided the arrangement is such that the stamp will be broken when the cup or cap is unscrewed or removed. Where it is desired to affix the stamp over a removable cup or cap, the cup or cap must be securely screwed or fastened over the opening of the container. The stamp must be securely affixed, with a strong adhesive, to both the cup or cap and the container. Where it is desired to affix the stamp over a cap or seal made of cellulose or other similar adhesive material which is so shrunk or otherwise fitted over the neck of the container as to be unremovable without being destroyed, it will not be necessary for the ends of the stamp to be affixed to the surface of the container, but the cap or seal and stamp must be so affixed that a portion of each will remain attached to the container when it is opened. In any case where there is doubt as to the propriety of the use of any cup or cap, the container and cup or cap should be submitted to the assistant regional commissioner for a determination thereon.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.72 *Exportation of imported distilled spirits; red strip stamps.* Red strip stamps affixed to imported distilled spirits prior to arrival in the United States, which spirits are diverted by the importer for exportation purposes, shall be effectively destroyed by the exporter, under customs supervision, prior to exportation. Red strip stamps affixed to distilled spirits originating in the United States, evidencing the tax or indicating compliance with the provisions of chapter 51, I. R. C., shall not be removed at or prior to the time of exportation.

(68A Stat. 602; 26 U. S. C. 5008)

EXEMPTIONS

§ 251.73 *Exemption from stamping, marking, bottling, and labeling requirements.* The provisions of this part relating to the affixing of red strip stamps,

the indicia requirements of containers prescribed by Part 175 of this subchapter, and the labeling of containers as prescribed by regulations promulgated under the Federal Alcohol Administration Act (Regulations 5, 27 CFR Part 5) are not applicable to imported distilled spirits (a) not for sale or for any other commercial purpose whatever; (b) for use as ship stores; or (c) for personal use. Samples of distilled spirits imported for any purpose are not exempt from the stamping, marking, bottling, and labeling requirements. Exemptions from the requirement that imported distilled spirits, wines and beer be marked to indicate the country of origin are set forth in customs regulations (19 CFR Part 11).

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

SUBPART F—RED STRIP STAMPS TO BE AFFIXED IN A FOREIGN COUNTRY

§ 251.80 *Conditions.* Red strip stamps to be affixed to containers of distilled spirits may, in accordance with the procedure prescribed in this subpart, be procured by importers to be affixed to the containers by the bottler or exporter in a foreign country.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.81 *Requisition, Form 428.* The importer, or his duly authorized agent, shall make requisition on Form 428, in accordance with § 251.64, and submit a sworn statement on Form 1627, as prescribed by § 251.65, for red strip stamps to be sent to the foreign bottler or exporter.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.82 *Approval of requisition.* The collector of customs will approve Form 428 if he is satisfied that the importer is the holder of an importer's basic permit (Form 1631) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 1, 27 CFR Part 1) and that the red strip stamps are required for distilled spirits to be imported to supply existing orders and/or anticipated requirements within 30 days from the date of the requisition. He will dispose of Forms 428 and Form 1627 in accordance with § 251.66.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.83 *Procurement and overprinting of red strip stamps.* The importer, or his duly authorized agent, shall procure the red strip stamps from the district director of internal revenue as provided by § 251.67 and have them overprinted and verified as provided by § 251.68. After verification of the overprinting and the prescribed endorsement on Form 1627, the collector of customs will deliver the stamps to the importer, or his duly authorized agent, for transmission to the bottler or exporter abroad.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.84 *Marking of cases.* The foreign bottler or exporter will plainly and legibly mark the following legend on each case of containers of distilled spirits to which red strip stamps are attached:

The red strip stamps required by section 5008, I. R. C., are affixed to the containers of

distilled spirits in this case, consisting of
 ----- bearing stamps of
 (Number of containers) -----
 ----- denomination.

(Name of bottler or exporter)

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.85 *Endorsement of warehouse and consumption entries.* Upon arrival of the distilled spirits in this country, warehouse entries and consumption entries shall have endorsed thereon by the importer, or his duly authorized agent, the following legend:

Red strip stamps required by section 5008 I. R. C., were affixed abroad. These stamps were procured by -----

(Name of importer)

requisition Form 428, Importer's No. -----
 approved by the Collector of Customs at ----- on
 (Port where Form 428 was approved)

(Date of approval of Form 428)

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.86 *Credit of red strip stamps against requisition on arrival of distilled spirits at specified port.* Where warehouse and consumption entries are filed at the port where the requisition was approved, the collector of customs who approved the requisition will credit the Form 428 described in the endorsement on the entry referred to in § 251.85 with the number and denomination of red strip stamps shown by the usual customs examination to have been attached to the container.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.87 *Credit of red strip stamps against requisition on diversion of spirits to other than specified port.* In the event of diversion of all or part of the spirits to a port or ports other than the port specified in Form 1627 filed with the Form 428, the importer shall submit a supplemental statement in duplicate on Form 1627A, for each such port. He shall submit them to the collector of customs who approved the Form 428, who will retain the copy and transmit the original to the collector of customs at the designated port. Where a warehouse or consumption entry is filed at a specified port other than the port where the requisition was approved, the collector of customs of the port at which the warehouse or consumption entry is filed will promptly notify, on Form 1627A, the collector of customs who approved the Form 428 of the number and denomination of stamps shown by the usual customs examination to have been attached to the containers. The collector of customs who approved the requisition will credit the Form 428 accordingly. He will stamp on the copy of Form 1627A "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96. Such diverted spirits may not be released from customs custody until Form 1627A has been received at the port of diversion or the collector of customs who approved Form 428 has authorized such release.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.88 *Irregularities or discrepancies in shipments.* In case any irregu-

larities or discrepancies are found, the collector of customs at the port of entry will make demand for redelivery of unexamined packages, and will not release examined or redelivered packages until satisfactory explanation and/or proper corrections have been made.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.89 *Unused red strip stamps.* Unused red strip stamps returned to the importer by the bottler or exporter abroad, shall be submitted to the collector of customs who approved the original requisition Form 428, for noting such fact on the requisition. After proper notation has been made, the collector of customs will return the stamps to the importer (who will acknowledge receipt), and notify the proper assistant regional commissioner. If subsequently the importer desires to send such stamps to a bottler or exporter abroad, he must submit them with Form 1627 properly modified, in duplicate, to the collector of customs, who will note approval on the copy of Form 1627 and return it with the stamps to the importer. He will retain the original Form 1627. Where the distilled spirits are to be imported through more than one port, Form 1627A shall be submitted by the importer to such collector, for each port of entry, for certification and transmittal of a copy to the collector of customs at each of the ports at which warehouse or consumption entries will be filed. The importer shall make appropriate entries on his monthly report, Form 96, of the receipt and disposition of unused stamps covered by this section.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.90 *Credit for red strip stamps affixed to containers returned to a foreign bottler or exporter.* When for any reason containers of distilled spirits bearing red strip stamps are returned from customs custody to the foreign bottler or exporter, the importer may be given credit for such stamps, provided he obtains an affidavit from an excise official of the foreign government concerned to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such affidavit to the collector of customs who will credit the original requisition accordingly. The importer shall make appropriate entries on his monthly report, Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.91 *Credit for red strip stamps affixed to containers diverted by the importer for exportation.* The importer may be given credit for red strip stamps which were affixed to imported distilled spirits diverted by the importer for exportation purposes and which were effectively destroyed by the exporter under customs supervision, provided he obtains an affidavit from the customs officer to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such affidavit to the collector of customs who approved the original requisition for proper credit. The importer shall make appropriate entries on his monthly report, Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.92 *Breach of regulations, or failure to use red strip stamps.* Any breach of the provisions of this part, or failure to use the red strip stamps for the purpose for which they were procured within a period of six months, or within such additional extension of time as may be granted by the collector of customs, not satisfactorily explained to the collector of customs, will be grounds for denial of approval of further requisitions for stamps.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART G—RED STRIP STAMPS AFFIXED UNDER CUSTOMS SUPERVISION BY BOTTLER IN A FOREIGN COUNTRY

§ 251.100 *Conditions.* Red strip stamps to be affixed to containers of distilled spirits may, in accordance with the procedure prescribed in Subpart F, be procured by an importer, or his duly authorized agent, to be affixed to the containers by the bottler in a foreign country, under the supervision of a customs officer.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.101 *Assignment of customs officer.* The collector of customs to whom the red strip stamps are delivered by the importer will assign an officer to the bottling plant in the foreign country to supervise the affixing of the stamps to the containers. The collector of customs after verification of the overprinting of the stamps will deliver them to the officer assigned to the foreign bottling plant.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.102 *Custody of red strip stamps.* The officer will retain the red strip stamps in his custody, keeping them locked in a secure place provided by the bottler, the key to which shall at all times be in possession of the officer. The officer will deliver to the bottler such stamps as may be required during bottling operations, and will personally assure himself that all stamps delivered to the bottler are affixed to the containers filled with distilled spirits for export to the United States.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.103 *Marking of cases.* The officer supervising the affixing of the red strip stamps to containers at the foreign bottling plant will stamp the following legend upon each case:

-----, 19--

(Month) (Day)

This is to certify that on this date the red strip stamps required by section 5008, I. R. C., were affixed, under my supervision, to the containers of distilled spirits in this case, consisting of -----

(Number of containers)
 bearing stamps of ----- denomination.

(Name)

(Official designation)

This legend, when stamped on the case and filled in by the officer, may be accepted by customs officers as evidence that the containers bear stamps.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.104 *Expenses of customs officer.* The actual and necessary expenses of transportation and subsistence of the

customs officer assigned under authority of this part shall be collected from the importer by the collector of customs.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART H—RED STRIP STAMPS AFFIXED IN CUSTOMS BONDED WAREHOUSE

§ 251.110 *Conditions.* Distilled spirits in containers imported without having red strip stamps attached may not be released from customs custody until a stamp has been affixed to each container, under the supervision of a customs officer in a bonded warehouse. Stamps procured for such containers but not affixed within 48 hours after entry shall be placed in the custody of the collector of customs of the district in which the bonded warehouse is located, until such time as they are to be affixed to containers prior to removal from customs custody. At ports where there is no customs bonded warehouse, no distilled spirits imported in containers without stamps affixed shall be released until the stamps have been affixed to the containers under the supervision of a customs officer.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.111 *Requisition, Form 428.* Requisition for red strip stamps shall be made by the original importer or his duly authorized agent: *Provided*, That if the importer has gone out of business the requisition shall be made by the person having title to the distilled spirits. The requisition shall be submitted in accordance with § 251.64. Subsequent procedure shall conform to applicable provisions of §§ 251.66, 251.67, and 251.68.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.112 *Expense of affixing red strip stamps.* Expenses of cartage, storage, repacking, handling, or other labor connected with the opening of cases and affixing of red strip stamps to the containers, shall be borne by the importer, or by the subsequent purchaser of the distilled spirits referred to in § 251.111, as the case may be.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.113 *Marking of cases.* There shall be indelibly stamped upon each case by the customs officer supervising the affixing of red strip stamps to containers, the following legend:

Port of _____ (Month)
 _____ 19__ (Day)

This is to certify that on this date the red strip stamps required by Section 5008 I, R. C., were affixed, under my supervision, to the containers of distilled spirits in this case, consisting of _____

(Number of containers)
 bearing stamps of _____ denomination.
 _____ (Name)
 _____ (Official designation)

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART I—IMPORTATION OF DISTILLED SPIRITS IN BULK

§ 251.120 *Persons authorized to receive distilled spirits imported in bulk.* Distilled spirits imported in bulk (i. e., in containers having a capacity in excess of 1 gallon) may be entered into a class 8

customs bonded warehouse for bottling, or may be withdrawn from customs custody only if entered for exportation or if withdrawn by a person to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk pursuant to the Federal Alcohol Administration Act (49 Stat. 985, as amended; 27 U. S. C., 206) and Regulations 3 (27 CFR Part 3). The importation and disposition of distilled spirits imported in bulk shall be reported as prescribed by § 251.134.

(68A Stat. 619, 639, 681; 26 U. S. C. 5114, 5214, 5555)

§ 251.121 *Containers.* Imported distilled spirits may be bottled in either domestic or imported containers conforming to the provisions of Part 175 of this subchapter.

(68A Stat. 639; 26 U. S. C. 5214)

§ 251.122 *Red strip stamps.* Red strip stamps overprinted with the name and address of the original importer as prescribed by § 251.68 or stamps without any overprinting prescribed for domestic use (Part 230 of this subchapter), may be affixed to containers of imported distilled spirits bottled in a class 8 customs bonded warehouse. Stamps without any overprinting prescribed for domestic use (Part 230 of this subchapter) shall be affixed by the bottler to containers of imported distilled spirits bottled after withdrawal from customs custody.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART J—IMPORTER'S RECORDS AND REPORTS

RECORD AND REPORT OF RED STRIP STAMPS

§ 251.130 *Monthly record and report, Form 96.* Importers of distilled spirits shall keep records and render reports of red strip stamps on Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.131 *Monthly record, part I, Form 96.* Importers shall keep a record of red strip stamps procured and used daily on part I of Form 96. A separate page in single copy is required for each denomination of stamps. Entries shall be made on Form 96 daily, as indicated by the headings of the various columns and lines, and in accordance with the instructions on the form. The record shall be kept in bound form for a period of two years, and during such period shall be available during business hours for inspection by internal revenue officers.

(68A Stat. 612, 619; 26 U. S. C. 5008, 5114)

§ 251.132 *Monthly report, parts II and III, Form 96.* At the close of the month, importers shall prepare parts II and III of Form 96, in triplicate, reporting on part II the red strip stamps procured and used during the month, and on part III the stamps shipped abroad to importer's agents. On or before the 5th day of the succeeding month, one copy shall be forwarded to the assistant regional commissioner, of the region in which the business of the importer is conducted, and one copy to the collector of customs, who approved the importer's requisitions. The remaining copy shall be retained in bound form with the importer's copies of part I, Form 96, for

the same month, available for inspection by internal revenue officers.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.133 *Separate record for each place of business.* Where an importer has more than one place of business, a separate record on part I of Form 96 shall be maintained on the premises of each place of business. A separate monthly report (parts II and III) shall also be rendered for each place of business. Where an agent procures stamps for several importers, the agent shall keep a separate record for each importer on part I of Form 96 of all stamps sent abroad or retained on his premises for the account of the importer. Separate monthly reports (parts II and III) shall be rendered by the agent in the name of each importer, to the assistant regional commissioner of the region in which the stamps are procured.

(68A Stat. 602, 681; 26 U. S. C. 5008, 5555)

RECORD AND REPORT OF IMPORTED DISTILLED SPIRITS

§ 251.134 *Record and report, Form 52E.* Every importer who imports and sells distilled spirits in bulk shall keep at the place of business covered by his wholesale liquor dealer special tax stamp, Form 52E, of all distilled spirits, both bulk and bottled, imported and disposed of by him: *Provided*, That, if the importer so desires, he may keep Form 52E for bulk spirits only and Record 52 for bottled spirits only. If only bottled spirits are imported, he shall keep Record 52. The receipt of imported distilled spirits, both bulk and bottled, shall be entered on part 1, of Form 52E or bottled distilled spirits on Record 52, as the case may be, as of the time of making the customs entry. The disposition of such distilled spirits shall be entered on part 2 of Form 52E or Record 52, as the case may be, as of the time of their sale or their taxpayment and withdrawal from customs custody. If the importer enters the distilled spirits into a class 8 customs bonded warehouse for bottling, he shall note such temporary disposition of the distilled spirits in bulk on part 2 of Form 52E and, upon completion of their bottling, enter the bottled distilled spirits on part 1 of Form 52E or Record 52, as the case may be. He shall then report the disposition of the bottled distilled spirits on part 2 of Form 52E or Record 52, as the case may be, at the time of their sale or their taxpayment and withdrawal from customs custody. Wholesale liquor dealers who import or purchase in customs bond distilled spirits for exportation, or who acquire distilled spirits in a foreign country for direct shipment to a foreign customer, are not required to keep Form 52E or Record 52 and need not submit transcripts or monthly summaries thereof as to such operations.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.135 *Record of warehouse receipts to be kept by importer.* Every importer who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and

sales of warehouse receipts on Form 52F. There need not be entered on Form 52F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52F shall be made as indicated by the headings of the columns and lines on the form and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The provisions of § 251.138 with respect to the time of making entries, and of § 251.144 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The provisions of § 251.139 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52F shall be forwarded to the assistant regional commissioner on or before the fifth day of the succeeding month. The importation of distilled spirits, and the disposition of such spirits from customs custody at the time of their sale or withdrawal therefrom, shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 251.134. The physical receipt and disposition of distilled spirits at the importer's wholesale liquor dealer premises shall continue to be reported on Record 52 in accordance with the provisions of § 251.137.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.136 *Place where Form 52F shall be kept.* Every importer shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.137 *Record 52.* Every importer who maintains wholesale liquor dealer premises where bottled distilled spirits are received and stored, shall keep Record 52 of all bottled distilled spirits received and disposed of thereat (including bottled spirits transferred from customs custody) in accordance with Part 194 of this subchapter, in addition to a record on Form 52E or Record 52, as the case may be, as prescribed by § 251.134.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.138 *Time of making entries.* Daily entries shall be made on Record 52 and Form 52E, as indicated by the headings of the various columns, and in accordance with instructions printed thereon, before the close of the business day next succeeding the day on which the transactions occur. Where the importer defers the making of the entries to the next business day, as authorized in this section, he shall keep a separate record, such as invoices, of the removals

of distilled spirits showing the removal data required to be entered on Record 52 and Form 52E, and appropriate memoranda of other transactions required to be entered on such records, for the purpose of making the entries correctly.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.139 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52 or Form 52E, provided the respective proprietor keeps in his place of business a separate record, approved by the assistant regional commissioner, showing such serial numbers, with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of two years and in such a manner that the required information may be ascertained readily therefrom, and during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by internal revenue officers. Entries shall be made on such separate approved record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The importer, whose separate record has been approved by the assistant regional commissioner, shall note in the column for reporting serial numbers that, "Serial numbers shown on commercial records per authority, dated _____."

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.140 *Reports.* Except as otherwise provided in this section, the importer shall file, daily, full and complete transcripts of Form 52E (parts 1 and 2) or Record 52, as the case may be, on Forms 52E (parts 1 and 2) or 52A and 52B with the assistant regional commissioner, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the assistant regional commissioner shall direct, the transcripts shall be so filed with the supervisor in charge, Alcohol and Tobacco Tax, instead of with the assistant regional commissioner. The transcripts shall bear the following certification signed by the person or officer authorized to sign Form 52E or 338:

I hereby certify that these transcripts consisting of _____ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the assistant regional commissioner shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 5th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Form 52E

and Record 52 in accordance with the provisions of § 251.138. Monthly summary reports on Form 52E (part 3) and Form 338 (where Record 52 is kept) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the assistant regional commissioner on or before the 5th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Form 52E and Record 52 shall be preserved for a period of two years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by any internal revenue officer.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

ADDITIONAL REQUIREMENTS

§ 251.141 *Where importer ships direct to consignee.* The importer shall report, on Form 52E, part 2, and when Record 52 is kept, on part 2 and on transcript, Form 52B, the name and address of each consignee, in the column now designated "Name". In the column now designated "Address", there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.142 *Where importer ships to a consignee on the order of another wholesale liquor dealer.* Where the importer ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept on Form 52E by the importer making the shipment or delivery, on Record 52 by the wholesale liquor dealer giving the order, and on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that importer (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(a) Importer (A) will show in his Form 52E the name and address of wholesale dealer (B) who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(b) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from importer (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(c) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from importer (A), giving name and address of both. A copy of Form 52E and transcripts of Record 52 on Forms 52A and 52B, required to be filed

with the assistant regional commissioner, will similarly show the details of such transactions.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.143 *Where importer keeps Record 52.* Where the importer keeps Record 52 and is a party to transactions similar to those described in § 251.142, he shall make similar entries of such transactions in Record 52; and the transcripts on Forms 52A and 52B required to be filed with the assistant regional commissioner, will likewise show the details of the transactions.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.144 *Forms to be provided by users at own expense.* Form 52E, Record 52, and Forms 52A, 52B, 52F, and 338 shall be provided by importers at their own expense, but must be in the form prescribed: *Provided*, That with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further*, That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

SUBPART K—REPORTS OF COLLECTORS OF CUSTOMS

§ 251.155 *Semiannual reports of collectors of customs.* Collectors of customs will furnish the assistant regional commissioner as of June 30 and December 31 of each year a consolidated report showing the name of the importer, and the number and denomination of red strip stamps procured on requisitions, Form 428, approved by them, and not credited against such requisitions.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART L—DISPOSITION OF RED STRIP STAMPS

§ 251.160 *Disposition of strip stamps.* The importer who discontinues or sells his business shall recall from his agents abroad all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report of inventory, by denominations, serial numbers, and quantity, to the collector of customs for crediting of the respective Forms 428. The collector of customs will then return such stamps to the importer and take his receipt therefor, in triplicate. When delivering the stamps the collector of customs will advise the importer that the stamps may be returned to the district director of internal revenue who issued the stamps, or that such unused stamps may be destroyed in the presence of an internal revenue officer and the importer thereby relieved from further accountability for the stamps. If the stamps are not surrendered to the district director of internal revenue or are not destroyed, the importer must continue to account for the stamps each month by rendering Form 96 in accordance with § 251.132. The collector of customs shall make a notation on the receipt as to the disposi-

tion made or to be made of the stamps. One copy of the receipt will be delivered to the importer and the original will be delivered to the assistant regional commissioner.

(68A Stat. 602; 26 U. S. C. 5008)

[P. R. Doc. 54-9624; Filed, Dec. 3, 1954; 10:15 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

[Draft Release No. 54-23]

AIR CARRIER OPERATION RULES

EN ROUTE PERFORMANCE OPERATING LIMITATIONS

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by January 5, 1955. Copies of such communications will be available after January 7, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On July 30, 1953, oral arguments were presented to the Board by various interested persons as to whether rules should be promulgated permitting so-called "drift down" procedures in the application of the en route performance limitations for transport category airplanes in air carrier operations. During this proceeding, and subsequent thereto, certain proposals for the amendment of the Civil Air Regulations were submitted to the Board by interested persons; however, complete agreement has not been obtained throughout the aviation industry. The Board is of the opinion, nonetheless, that there is sufficient support for utilization of a drift-down procedure in the operation of transport category airplanes to justify notice of proposed rule making at this time.

The proposal herein is based upon the proposals submitted by interested persons except that it is specifically limited to airplanes with reciprocating engines and includes in more detail some of the conditions. Of particular importance is a provision for determining the all-engines-operating altitude by introducing the element of time required for the pilot to establish his position after engine failure and make a decision whether to continue or turn back. It is envisioned that the drift-down procedure would permit an election on the part of the pilot from a predetermined point up to and including the critical point of either continuing the flight or turning back. However, this election would be required to be made within a certain time interval.

Engine failure subsequent to the critical point would require the continuance of the flight and not permit turning back.

The proposed requirement also contains provisions for compliance with the one-engine-out en route limitations at 1,000 feet above the airport used as an alternate as well as including wind and temperature corrections. Such corrections would be subject to the approval of the Administrator.

In view of the foregoing, notice is hereby given that it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to include a drift-down procedure substantially as follows:

As an alternative to the provisions of §§ 40.74, 41.30 (b), or 42.74 with respect to airplanes powered with reciprocating engines, an air carrier may, subject to approval by the Administrator, establish procedures whereby an airplane may be operated at an all-engines-operating altitude such that in the event of an engine failure the airplane can continue flight to an airport where a landing can be made according to the provisions of §§ 40.78, 41.34, or 42.78, the flight path clearing all obstacles and terrain along the route within 10 miles on either side of the intended track by 1,000 feet. The airplane shall meet the en route limitations of §§ 40.74, 41.30 (b), or 42.74 at 1,000 feet above the airport used as an alternate.

In calculating the airplane's flight path, the rate of climb (as presented in the Flight Manual for the appropriate weight and altitude) shall be diminished by an amount equal to $(0.06-0.08/N)V_{so}$, where N is the number of engines, for airplanes certificated under Part 4b or by $0.02V_{so}$, for airplanes certificated under Part 4a.

The all-engines-operating altitude at which it is planned to cruise in showing compliance with these procedures shall be sufficient to provide a time interval within which, in the event of an engine failure at the most critical point on the flight segment, the decision may be made to continue the flight or to turn back, showing compliance, in either case, with prescribed terrain clearance. The duration of this time interval shall depend on the accuracy with which the position of the airplane can be determined with the navigational facilities available, but in any case shall not be less than 3 minutes.

A correction shall be made to the flight path for the effect of head and cross winds and, for twin-engine airplanes, the flight path shall be corrected for the effect of temperatures above the standard.

Consideration shall be given to the reliability and accuracy of the navigational aids available; to the probability of down-drafts, turbulence, icing conditions, and any other operational factors which would adversely affect safety.

When it is planned to use fuel jettisoning in showing compliance with these procedures it shall be assumed that sufficient fuel is retained to permit the airplane to continue its flight to an airport where a landing can be made in accordance with §§ 40.78, 41.34, or 42.78 and, thereafter, to fly for a period of at

least 45 minutes at normal cruising consumption.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

Dated: December 1, 1954 at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-9590; Filed, Dec. 3, 1954;
8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53679]

AMERICAN OIL CO.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

NOVEMBER 29, 1954.

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81 (a), Customs regulations (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the American Oil Company¹ as described below:

(a) *House flag.* The house flag is rectangular in shape, the hoist is 4 feet in height and the fly is 6 feet. The field of the flag is white with a 4-foot long oval superimposed and centered on the field. The oval is 2 feet 5 inches high with a black stripe 10½ inches in height centered in the oval and bordered at the top and bottom with a 1-inch white stripe. The upper and lower segments of the oval are vermillion red. On the black stripe there is superimposed in white capital block letters the word "AMOCO." These letters are 8 inches high and 2 inches thick.

(b) *Funnel mark.* The funnel mark consists of a white stripe 10 feet 8 inches high all around an olive green stack. The top of the white stripe is 5 feet 4 inches from the top of the funnel. Within the white stripe centrally placed is an oval. The length of the oval is to be 13 feet and the height 7 feet 6 inches. Centrally placed longitudinally is a black stripe 3 feet 5 inches high. At the top and bottom of the black stripe is a 2¾-inch white stripe. The upper and lower segments of the oval are vermillion red. On the black stripe printed in white capital block letters 2 feet 9 inches in height by 6¾ inches thick are the letters "AMOCO."

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 54-9546; Filed, Dec. 2, 1954;
8:47 a. m.]

¹ Colored replica drawings filed as part of original document.

Office of the Secretary

[Treasury Department Order 167-14]

[CGFR 54-45]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF AUTHORITY TO INSPECT FOREIGN MERCHANT VESSELS

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (15 F. R. 4935), there are hereby delegated to the Commandant, U. S. Coast Guard, with authority to redelegate, the functions vested in the Secretary of the Treasury by section 3 (c) of Public Law 569, 83d Congress, approved August 9, 1954, with respect to the inspection of foreign merchant vessels acquired and operated under this act and the making of determinations to what extent the laws covering the inspection of steam vessels shall apply to such vessels.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

NOVEMBER 26, 1954.

[F. R. Doc. 54-9578; Filed, Dec. 3, 1954;
8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8716; FCC 54-1441]

GREENWICH BROADCASTING CORP.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re Application of Greenwich Broadcasting Corporation, Greenwich, Connecticut, for construction permit; Docket No. 8716, File No. BP-6315.

1. The Commission has before it the petition of the Chief, Broadcast Bureau, to enlarge issues, filed on August 27, 1952, the Reply to that petition, and in the alternative, petition for clarification of issues, filed September 12, 1952 by Atlantic Broadcasting Company (WHOM), and the Answer of the Chief, Broadcast Bureau to WHOM's petition for clarification, filed September 22, 1952. A brief review of the history of this proceeding is desirable.

2. In April 1949, Greenwich Broadcasting Corporation (herein called Greenwich) filed an application for a construction permit to operate an unlimited time AM station at Greenwich, Connecticut, on 1490 kc with power of 250 w. Because 57 percent of Greenwich's stock is owned by Walter S. Lemmon, the dominant stockholder of World Wide Broadcasting Corporation, the question of this applicant's qualifications to be a broadcast licensee was in issue (see FCC 54-1440). Also involved was the question of objectionable interference to two co-channel stations, WNLC, New London, Connecticut, and WBUD, Morrisville, Pennsylvania, and adjacent channel station WHOM, Jersey City, New Jersey. The issues as set out in the Commission's order of designation of November 16, 1949 were as follows:

1. To determine, in the light of the evidence adduced under the issues set forth in the Commission's order of this date con-

cerning the World Wide Broadcasting Corporation, the legal, technical, financial and other qualifications of the Greenwich Broadcasting Corporation, its officers, directors, and stockholders to construct and operate the station it proposes.

2. To determine whether the proposed operation of the Greenwich Broadcasting Corporation would involve objectionable interference with Stations WHOM, Jersey City, N. J., WNLC, New London, Conn., and WBUD, Morrisville, Pa., or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

5. To determine, in the light of the evidence adduced under the foregoing issues, whether the public interest, convenience, or necessity would be served by a grant of the subject application.

3. By order of July 16, 1952, released July 21, 1952, the Commission scheduled the Greenwich application for hearing on August 19, 1952, on the issues not related to the qualifications of World Wide Broadcasting Corporation (Issues 2-5), and further ordered that no initial decision be prepared until further order of the Commission. During the course of the hearing held August 22, 1952, the applicant introduced an exhibit which showed, in accordance with the issues specified in the Commission's order evidence of objectionable interference caused by or received from existing and other proposed stations, and the areas and populations affected thereby. The exhibit also showed the areas and populations proposed to be served and the primary services available to those areas and populations. Objection was made by Counsel for the Broadcast Bureau to this latter portion of the exhibit on the ground that such evidence was outside the issues. Bureau Counsel requested a continuance of the hearing in order to petition the Commission for enlargement of the issues so as to make relevant the testimony as to the areas and populations which would be served and the other services available thereto. The Examiner granted the request for continuance. He also stated his belief that the issues might well be clarified in other similar respects, as for example, "... with respect to the matter of program service of the proposed service of the proposed station, as well as program service of stations which are expected to receive interference by reason of the proposed operation" (R. 75).

4. On August 27, 1952, the Chief of the Broadcast Bureau filed a petition to include the following issue in this proceeding:

3 (a). To determine the areas and populations which may be expected to gain pri-

mary service from the operation of the proposed station in the Greenwich Broadcasting Corporation and the other primary services available from existing stations to those areas and populations.

The Bureau's petition stated that evidence of population and areas proposed to be served and the service available thereto is a necessary requisite to a determination of whether a grant of the proposed operation will serve the public interest.

5. On September 12, 1952, intervenor Atlantic Broadcasting Company, licensee of Station WHOM, New York, filed its reply to the Bureau's petition, and in the alternative, petitioned for "Clarification of Issues". WHOM states that it has no objection to the grant of the Bureau's petition for enlargement of the issues. However, it requests the Commission, in enlarging the issues, to indicate whether the applicant (Greenwich) may, or indeed, is required, under such an issue, to offer evidence of the nature and character of its own proposed programming, the need for such programming, and the programming of other stations serving the areas and populations which may be expected to gain primary service from the operation of the proposed station. On this point, WHOM cites the Democrat Printing Company case, 7 RR 2138.

6. WHOM also requests the Commission to clarify the issues as to whether, under any of them and particularly Issues 3 and 4, it may introduce evidence as to the need of its own programming in the areas in which it may suffer interference as result of the proposed operation of Greenwich. Here again WHOM cites the Democrat Printing Company case as in point; reference is also made to § 3.24 (b) of the Commission's rules.

7. On September 22, 1952, the Chief, Broadcast Bureau, filed an answer to WHOM's petition for clarification of issues. The Bureau asserts that testimony with respect to programming is not included within the present issues, such issues having been consistently construed by the Commission in the past as relating to the taking of testimony with respect to engineering matters only. The Bureau further states that its proposed Issue 3 (a) has also been consistently construed by the Commission as an engineering issue, relating solely to electrical service; and that the evidence with respect to programming clearly would not be material to such an issue. The Chief, Broadcast Bureau, concludes that he "does not have any objection if the Petition of the Intervenor for Clarification is treated by the Commission as a petition to enlarge the issues specified in the Commission's order of July 16, 1952, to include programming of both the applicant and Intervenor WHOM, in the interference area."

8. We have considered the pleadings and have concluded that the Broadcast Bureau is correct in its assertion that the present issues relate solely to engineering testimony. It is also our conclusion that a determination as to the comparative need for the programming services involved (proposed and existing) in the area or areas of interference is

called for. We are revising the issues accordingly.¹

9. Certain other revisions are appropriate. Station WBUD is now operating on 1260 kc and therefore, should not be listed in Issue 2. And Issue 1 should be deleted in view of our action taken today on World Wide Broadcasting Corporation's petition for reconsideration and grant (see FCC 54-).

10. In view of the foregoing: *It is ordered*, This 24th day of November 1954, that the petitions of the Chief, Broadcast Bureau, and of Atlantic Broadcasting Company, filed August 27, 1952 and September 12, 1952, respectively, are granted; and that the issues in the subject proceeding are revised to read as follows:

1. To determine whether the proposed operation of the Greenwich Broadcasting Corporation would involve objectionable interference with Stations WHOM, New York, N. Y., WNLC, New London, Conn., or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station by Greenwich Broadcasting Corporation and the other primary services available from existing stations to those areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

4. To determine the type and character of program service proposed to be rendered by the applicant and whether it would meet the requirements of the populations and areas proposed to be served.

5. To determine the type and character of program services rendered by Stations WHOM and WNLC and whether these services meet the requirements of the populations and areas proposed to lose such service, if any.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine, in the light of the evidence adduced under the foregoing issues, whether the public interest, convenience, or necessity would be served by a grant of the subject application.

11. *It is further ordered*, That the burden of proceeding with the introduction

¹ The enlargement of the issues in this respect is also applicable to party respondent WNLC, which, we note, has not appeared or participated in the hearing. As to the burden of proof in such situations, see Centerville Broadcasting Company, 7 RR 1284e at 1285.

of evidence and the burden of proof under Issue 4 is placed upon Greenwich Broadcasting Corporation, and that the burden of proceeding with the introduction of evidence under Issue 5 is placed upon the licensee of WHOM, and, in view of WNLC's failure to appear and participate, upon Greenwich Broadcasting Corporation only insofar as such evidence may be appropriate to the latter's affirmative case.

It is further ordered, That, after the conclusion of the hearing, the Hearing Examiner shall issue an Initial Decision.

Released: November 29, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9587; Filed, Dec. 3, 1954;
8:48 a. m.]

[Docket No. 10218; FCC 54M-1452]

WILLIAM C. MOSS (KSEY)

ORDER CONTINUING HEARING

In re application of William C. Moss (KSEY), Seymour, Texas, for modification of license; Docket No. 10218, File No. BML-1473.

The Commission having under consideration a petition filed November 12, 1954, by the above-entitled applicant requesting that the above application be removed from the hearing docket and returned to the processing line for reconsideration and grant without a hearing; and

It appearing that said petition was accompanied by certain engineering measurements presented on behalf of the applicant; and

It appearing from the pleading filed herein that a postponement of the hearing pending action by the Commission on the petition to reconsider and grant will not prejudice any party to the proceeding;

It is ordered, This the 29th day of November 1954, on the Examiner's own motion, that the hearing in this proceeding now scheduled to begin Wednesday, December 1, 1954, be continued until 30 days after the Commission has acted on the above petition to reconsider and grant without a hearing.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-9588; Filed, Dec. 3, 1954;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2549, G-2550]

CALIFORNIA-PACIFIC UTILITIES CO.
NOTICE OF DECLARATIONS OF PARTIAL
EXEMPTIONS

NOVEMBER 30, 1954.

In the matters of California-Pacific Utilities Company, Docket No. G-2549; California-Pacific Utilities Company, Docket No. G-2550.

Notice is hereby given that on November 8, 1954, the Federal Power Commission issued its declarations of partial exemptions from the provisions of the Natural Gas Act adopted November 3, 1954, in the above-entitled matters.

[SEAL]

LEON M. FUQUAY,
Secretary.

[P. R. Doc. 54-9555; Filed, Dec. 3, 1954;
8:45 a. m.]

[Docket No. G-5380]

SKELLY OIL CO.

ORDER TO SHOW CAUSE AND SUSPENDING
NOTICE OF TERMINATION OF RATE
SCHEDULE

Skelly Oil Company, a Delaware corporation having its principal business office at Tulsa, Oklahoma, on October 29, 1954, filed with the Commission a "Notice of Termination of Rate Schedule" purporting to cancel its contract with Lone Star Gas Company dated July 25, 1952, as amended August 19, 1952, and as further amended February 10, 1953, and to terminate deliveries of natural gas to Lone Star Gas Company as of midnight November 30, 1954.

The aforementioned contract of July 25, 1952, and the amendments thereto were submitted for filing by Skelly Oil Company on the same day, i. e., October 29, 1954, "as required by Federal Power Commission Order No. 174-A in its Docket No. 138" "as its Rate Schedule covering its sale of natural gas therein described."

Among other things, the contract of July 25, 1952, as amended, provides for the sale by Skelly Oil Company and purchase by Lone Star Gas Company of $\frac{1}{2}$ of the surplus residue gas available at the discharge point of the Velum Gasoline Plant owned and operated by Skelly Oil Company in Stephens County, Oklahoma, at a current base price of 10¢ per Mcf, with a guarantee by Lone Star Gas Company to take or pay during each full calendar month for a total minimum volume of gas equal to 90 percent of $\frac{1}{2}$ of all the merchantable surplus residue gas available at the discharge of the gasoline plant or not to exceed an average of 25,000,000 cubic feet per 24-hour day during such calendar month.

The facts set forth in the contract dated July 25, 1952, as amended, show that the sales of natural gas to Lone Star Gas Company take place in Oklahoma "after the completion" of the processing of the gas at the aforementioned gasoline plant owned and operated by Skelly Oil Company for transmission by Lone Star Gas Company to "its main line system at or near Petrolia, Texas."

The facts indicate, therefore, that with respect to the sale of natural gas to Lone Star Gas Company, the Skelly Oil Company, under the decision of the United States Supreme Court in the Phillips case (Phillips Petroleum Co. v. Wisconsin, et al., 347 U. S. 672) is a natural gas company within the meaning of that term as used in the Natural Gas Act, and that such sale of natural gas by Skelly Oil Company to Lone Star

Gas Company is subject to the jurisdiction of this Commission.

Skelly Oil Company has not filed an application pursuant to section 7 (b) of the Natural Gas Act and the rules thereunder for permission to abandon its service to Lone Star Gas Company nor has there been any hearing or determination by this Commission that the continuance of such service is unwarranted or that the present or future public convenience and necessity warrant such abandonment.

The Commission finds:

(1) It is necessary and appropriate in the public interest and for the purpose of carrying out the provisions of the Natural Gas Act, particularly sections 4 (d), 7 (b), 14, 15, and 16 thereof, and §§ 1.6 and 154.91 through 154.102 and 157.23 through 157.29 of the Commission's rules and regulations, that proceedings be instituted by the Commission on its own motion, requiring Skelly Oil Company to show cause, if any there be, why it should not be determined to be a natural-gas company within the meaning of that term as used in the Natural Gas Act, and why it should not be required to comply with the provisions of that act and the rules and regulations thereunder, particularly those herein set out, and why it should not be directed to desist from cancelling the contract, as amended, herein referred to, and to desist from terminating the deliveries of natural gas under that contract on file with the Commission as Skelly Oil Company FPC Gas Rate Schedule No. 1 and Supplements Nos. 1 and 2, thereto.

(2) It is appropriate in carrying out the provisions of the Natural Gas Act that, pending the hearing directed by paragraph (A) and decision in this proceeding, the notice of termination of rate schedule filed by Skelly Oil Company on October 29, 1954, be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Skelly Oil Company show cause, if any there be, at the hearing referred to in paragraph (B) hereof, why it should not be determined to be a natural-gas company within the meaning of that term as used in the Natural Gas Act; why it should not be required forthwith to comply with the provisions of that act, particularly sections 4 (d) and 7 (b) thereof, and the Commission's rules and regulations thereunder, particularly §§ 154.91 through 154.102 and 157.23 through 157.29; and why it should not be directed to continue the sale and delivery of natural gas to Lone Star Gas Company in accordance with the terms of that certain contract dated July 25, 1952, as amended August 19, 1952, and as further amended February 10, 1953, which contract and amendments are on file with this Commission as Skelly Oil Company FPC Gas Rate Schedule No. 1 and Supplements Nos. 1 and 2, thereto.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 7, 14, 15, and 16, and the Commission's rules of practice and procedure, a public hearing

be held, commencing January 10, 1955, at 10:00 a. m. e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding as set forth in paragraph (A) hereof.

(C) Pending the hearing set by paragraph (B) above, and decision in this proceeding, Skelly Oil Company's notice of termination of rate schedule filed October 29, 1954, hereinabove described, be and the same hereby is suspended and the use thereof is deferred until April 30, 1955, and until such further time as said proposed notice of termination may be made effective in the manner prescribed by the Natural Gas Act.

(D) At the hearing, Skelly Oil Company shall proceed first with its case and shall submit its complete affirmative case by introducing all the testimony and evidence relating to its operations and the sale herein involved and such other and further testimony and evidence as it may have to offer on the other issues in this case. Upon completion of the testimony and evidence of Skelly Oil Company, cross-examination shall be undertaken with respect thereto. Thereafter, interveners, if any, and the Commission staff shall have opportunity to present testimony and evidence pertinent to the issues in the proceeding, followed by cross-examination with respect thereto.

(E) Skelly Oil Company shall serve upon Lone Star Gas Company and the Secretary of the Commission, not later than January 5, 1955, three copies of all testimony and exhibits proposed to be offered at the hearing provided for in paragraph (B) hereof, and one copy of such testimony and exhibits upon any intervener which, prior to January 5, 1955, is permitted to intervene herein.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 29, 1954.

Issued: November 30, 1954.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[P. R. Doc. 54-9586; Filed, Dec. 3, 1954;
8:48 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE
AUTHORITY

NOTICE OF ORDER FURTHER AMENDING
LICENSE (MAJOR)

NOVEMBER 30, 1954.

Notice is hereby given that on November 10, 1954, the Federal Power Commission issued its order adopted November 3, 1954, further amending license (Major) in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.

[P. R. Doc. 54-9556; Filed, Dec. 3, 1954;
8:45 a. m.]

[Project No. 735]

ROSCOE D. COOK AND SUSIE M. COOK

NOTICE OF ORDER ACCEPTING SURRENDER OF
LICENSE (MINOR)

NOVEMBER 30, 1954.

Notice is hereby given that on November 9, 1954, the Federal Power Commission issued its order adopted November 3, 1954, accepting surrender of license (Minor) in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 54-9557; Filed, Dec. 3, 1954;
8:45 a. m.]

[Project No. 2001]

NEWPORT FISHERIES, INC.

NOTICE OF ORDER ACCEPTING SURRENDER OF
LICENSE (MINOR)

NOVEMBER 30, 1954.

Notice is hereby given that on November 9, 1954, the Federal Power Commission issued its order adopted November 3, 1954, accepting surrender of license (Minor) in the above-entitled matter.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 54-9558; Filed, Dec. 3, 1954;
8:45 a. m.]

[Project No. 2169]

TAPOCO, INC., AND CAROLINA ALUMINUM
CO.

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 29, 1954.

Public notice is hereby given that Tapoco, Inc., of Alcoa, Tennessee, and Carolina Aluminum Company, of Badin, North Carolina, have filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed water-power Project No. 2169, to be known as the Tallassee Project and located on the Little Tennessee and Cheoah Rivers in Graham and Swain Counties, North Carolina, and Blount and Monroe Counties, Tennessee, and to consist of four developments:

(1) The proposed Chilhowee development, to consist of a dam about 1,410 feet long in the Little Tennessee River, composed of a concrete non-overflow section, a concrete intake section, a concrete spillway section, and a rock and earth non-overflow section, creating a reservoir of 1,690 acres at normal full water surface elevation of 874 feet (U. S. G. S. datum); a powerhouse integral with the dam contain three turbines with total capacity of 70,000 horsepower, and three generators with total capacity of 50,000 kilowatts; a substation; an operators' village; and two short 161,000-volt transmission lines connecting to two 161,000-volt lines extending from the Santeetlah substation to the Alcoa substation;

(2) The constructed Calderwood development consisting of a concrete arch dam about 916 feet long in the Little Tennessee River, creating a reservoir of 536 acres at normal full water surface elevation of 1,087.5 feet (U. S. G. S. datum); an intake structure; a concrete lined tunnel; three penstocks; a powerhouse about one-half mile below the dam containing three turbines each rated at 56,000 horsepower and connected to a 40,500-kilowatt generator; a substation; an operators' village; a double-circuit telephone line to Alcoa and a carrier system on the transmission lines; two short 161,000-volt transmission lines connecting to two 161,000-volt lines extending from the Santeetlah substation to Alcoa; and a 161,000-volt line extending from the Calderwood substation to the Alcoa substation;

(3) The constructed Cheoah development consisting of a concrete gravity dam about 750 feet long in the Little Tennessee River, creating a reservoir of 629 acres at normal full water surface elevation of 1,276.5 feet (U. S. G. S. datum); an intake structure; a concrete lined tunnel; five penstocks; a powerhouse a short distance below the dam containing four turbines each rated at 33,000 horsepower and connected to a 20,000-kilowatt generator, and one 45,000-horsepower turbine connected to a 30,000-kilowatt generator; a substation; an operators' village; a double-circuit telephone line to Calderwood and a carrier system on the transmission lines; and two short 161,000-volt transmission lines connecting to two 161,000-volt lines extending from the Santeetlah substation to the Alcoa substation; and

(4) The constructed Santeetlah development consisting of a concrete arch dam about 1,054 feet long in the Cheoah River, creating a reservoir of 2,863 acres at normal full water surface elevation of 1,939.9 feet (U. S. G. S. datum); an intake structure; a conduit about 25,176 feet long, composed of concrete lined tunnel and steel pipe; two penstocks; a powerhouse on the Little Tennessee River discharging into the Cheoah reservoir containing two turbines each rated at 33,000 horsepower and connected to a 22,500-kilowatt generator; a substation; an operators' village; a double-circuit telephone line to Cheoah and a carrier system on the transmission lines; and two 161,000-volt transmission lines extending from the Santeetlah substation to the Alcoa substation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is January 6, 1955. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 54-9554; Filed, Dec. 3, 1954;
8:45 a. m.]SECURITIES AND EXCHANGE
COMMISSION

[File No. 70-3302]

EASTERN UTILITIES ASSOCIATES

ORDER AUTHORIZING ISSUANCE AND SALE OF
BONDS AT COMPETITIVE BIDDING

NOVEMBER 30, 1954.

Eastern Utilities Associates ("EUA"), a registered holding company, has filed with this Commission a declaration and amendments thereto pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-42 (b) (2) and U-50 thereunder regarding certain proposed transactions, which are summarized as follows:

EUA proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$7,250,000 principal amount of Collateral Trust Bonds, -- Percent Series due 1979. The proposed bonds will be secured by an Indenture and Deed of Trust, dated October 1, 1953, to be supplemented by a First Supplemental Indenture, dated as of December 1, 1954. Under said Indenture EUA has pledged all of the voting stock it now holds of its public-utility subsidiaries, Blackstone Valley Gas and Electric Company, Brockton Edison Company, and Fall River Electric Light Company and all such stock hereafter acquired will likewise be pledged. The interest rate applicable to the proposed bonds (which is to be a multiple of $\frac{1}{8}$ of 1 percent) and the price to be paid EUA (which is to be not less than 100 percent or more than 102.75 percent of the principal amount) are to be fixed at competitive bidding.

EUA presently has outstanding \$6,930,000 principal amount of 4% percent bonds due 1978. It is stated that the proceeds to be derived from the proposed bonds will be applied to the retirement and redemption of the bonds of the 1978 series, including the payment of the call premium of 4% percent and one month's duplicate interest aggregating approximately \$320,000.

EUA has agreed that, so long as any of the proposed bonds remain outstanding, if at the end of any calendar year the consolidated equity ratio of EUA and its subsidiaries applicable to its common shares is less than 30 percent of total consolidated capitalization, or if at the end of any calendar year the consolidated funded debt ratio is in excess of 60 percent of such total capitalization, EUA will initiate, within 90 days after the year-end figures have been determined, appropriate proceedings, to be approved by this Commission, designed to bring such equity ratio above 30 percent or such debt ratio below 60 percent as the case may be. EUA reserves the right to request the Commission for modification of such agreement if future circumstances make such action desirable.

The fees and expenses to be paid by EUA in connection with the issue and sale of the proposed bonds are estimated

at \$44,000. In addition, a fee and estimated disbursements, aggregating \$4,500, will be paid by the successful bidder to Ropes, Gray, Best, Coolidge & Rugg, counsel to the underwriters.

It is stated that no State or Federal commission other than this Commission has jurisdiction over the proposed issue and sale of said bonds.

EUA requests that the Commission's order herein become effective upon the issuance thereof.

Due notice having been given of the filing of the declaration and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, that the fees and expenses, if they do not exceed the estimates, are not unreasonable, and that the declaration should be permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be, and the same hereby is, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 54-9553; Filed, Dec. 3, 1954;
8:45 a. m.]

[File No. 70-3311]

CENTRAL POWER AND LIGHT CO.

ORDER PERMITTING EFFECTIVENESS TO DECLARATION REGARDING PROPOSED AMENDMENT TO CERTIFICATE OF INCORPORATION AND ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PREFERRED STOCK

NOVEMBER 29, 1954.

Central Power and Light Company ("Central Power"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, having filed, pursuant to section 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and the competitive bidding requirements of Rule U-50 thereunder, a declaration in respect of a proposal to: (a) Amend its charter to (i) increase the total number of authorized shares of its preferred stock from 100,000 shares to 175,000 shares and (ii) effect certain changes in the terms and provisions of the preferred stock; and (b) upon the effectuation of the charter amendment, to issue and sell, at competitive bidding pursuant to Rule U-50, 75,000 shares of -- Percent Preferred Stock, par value \$100 per share; the price to Central Power (which is to be not less than \$100 per share nor more than \$102.75 per share) and the dividend rate (which is to be expressed in a multiple of 0.04 of 1 percent) being fixed at competitive bidding;

It being represented that the net proceeds from the sale of the Preferred Stock are to be used by Central Power

to pay for a part of the cost of its construction program, which for the calendar years 1954 and 1955 is estimated by the company to approximate \$47,700,000;

The fees and expenses to be paid or incurred by Central Power in connection with the proposed transactions having been estimated by the company as follows:

Securities and Exchange Commission filing fee	\$800
Federal original issue stamp tax	8,250
Printing and engraving	11,100
Accountants' fees	1,500
Transfer agent's fees	650
Registrar, fees	500
Reimbursement of underwriters for expenses and counsel fees in connection with qualification or registration under State securities laws	2,000
Miscellaneous expenses	2,200
Total	27,000

The filing indicating that company counsel are on annual retainer or salary with no special fees being applicable to the proposed transactions; the counsel fee and out-of-pocket expenses of Messrs. Isham, Lincoln & Beale, Chicago, Illinois, counsel for the successful bidder or bidders who are to pay such fees and expenses, having been estimated at not to exceed \$5,000 and \$250, respectively;

The filing stating that no State commission and no Federal regulatory body other than this Commission has jurisdiction over the proposed transactions;

The Commission having, by order entered November 12, 1954, approved the solicitation of proxies, from the stockholders, to be voted, at a special meeting, in respect to the proposed amendment increasing the authorized preferred stock and changing the terms and provisions of said stock; and at the same time notice of the filing of said declaration having been given in the form and manner prescribed in Rule U-23 under the act, and the Commission not having received a request for and not having ordered a hearing in respect of said declaration; and

The Commission finding that the applicable provisions of sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder have been satisfied and observing no basis for any adverse findings or for the imposition of terms and conditions, other than those contained in Rules U-24 and U-50; finding that the fees and expenses, if they do not exceed the estimates, are not unreasonable; and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 54-9552; Filed, Dec. 3, 1954;
8:45 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 1]

MURIATE OF POTASH FROM SOVIET ZONE OF GERMANY

NOTICE OF INVESTIGATION AND PUBLIC HEARING

On November 26, 1954, the Tariff Commission received advice from the Treasury Department that muriate of potash from the Soviet Zone of Germany is being, or is likely to be, sold in the United States at less than its fair value. Accordingly, the Tariff Commission has instituted an investigation under section 201 (a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with this investigation will be held on January 18, 1955, beginning at 10 a. m., in the Hearing Room of the United States Tariff Commission, Eighth and E Streets NW., Washington, D. C.

Request to appear. Interested parties desiring to appear and to be heard at such hearing should file requests in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., not later than three days in advance of the date of the hearing.

Any interested party desiring to do so may submit to the Commission written information pertinent to the subject matter of the investigation, in lieu of appearance at the hearing. Fifteen clear copies of such statements should be submitted, and information which it is desired to submit in confidence should be on separate pages clearly marked "Submitted in Confidence."

Issued: November 30, 1954.

By order of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 54-9561; Filed, Dec. 3, 1954;
8:45 a. m.]

[Investigation 3]

DURUM WHEAT

NOTICE OF SUPPLEMENTAL INVESTIGATION AND PUBLIC HEARING

The United States Tariff Commission, on the 29th day of November 1954, under the provisions of section 22 (d) of the Agricultural Adjustment Act, as amended, instituted an investigation supplemental to its Investigation No. 3 under section 22 of the Agricultural Adjustment Act, as amended, to determine whether Durum Wheat (Class II) as defined in the official grain standards of the United States as promulgated by the United States Department of Agriculture, or flour, including semolina, produced from such wheat may be permitted to be

entered, or withdrawn from warehouse, for consumption during the current quota year ending at the close of May 28, 1955, in excess of the quotas on wheat and wheat flour in effect during such quota year pursuant to section 22 of the Agricultural Adjustment Act, as amended.

Representations were made to the Tariff Commission by the National Macaroni Manufacturers Association to the effect that an emergency situation exists in the domestic macaroni manufacturing industry because of the extreme shortage of wheat and wheat flour suitable for the manufacture of macaroni, spaghetti, egg noodles, and similar products. The Association urges that the existing quota restrictions on wheat and wheat flour, in effect pursuant to the provisions of section 22 of the Agricultural Adjustment Act, as amended, be modified so as to permit the importation of available foreign supplies of durum wheat, semolina, or flour in sufficient quantities to relieve the emergency needs of the industry. This supplemental investigation has for its purpose the determination of whether the need for over-quota imports of the products described above exists in fact, and, if so, what additional quantities might be permitted to be entered during the remainder of the current quota year without materially interfering with or rendering ineffective the wheat program of the Department of Agriculture.

Hearing. A public hearing in this supplemental investigation will be held on January 11, 1955, beginning at 10 a. m. in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C.

Request to appear. Interested parties desiring to appear and to be heard at the hearing should file requests in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., at least three days in advance of the date set for the hearing.

Issued: November 30, 1954.

By order of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 54-9562; Filed, Dec. 3, 1954;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29964]

SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO POINTS IN IOWA AND NEBRASKA

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.
Commodities involved: Superphos-

phate (acid phosphate) other than ammoniated or defluorinated, carloads.

From: Points in southern territory.

To: Quimby, Rock Rapids and Sioux City, Iowa, and Norfolk, Nebraska.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1433, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9563; Filed, Dec. 3, 1954;
8:46 a. m.]

[4th Sec. Application 29965]

PLASTER AND RELATED ARTICLES FROM
FORT DODGE, IOWA TO MISSOURI AND
KANSAS

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Plaster, plaster wallboard and related articles, carloads.
From: Fort Dodge, Iowa.

To: Kansas City, Mo.-Kans., Dodson and Edgecomb, Mo., and Leavenworth, Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4031, supp. 31; W. J. Prueter, Agent, I. C. C. No. A-3917, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to

take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9564; Filed, Dec. 3, 1954;
8:46 a. m.]

[4th Sec. Application 29966]

CEMENT AND RELATED ARTICLES FROM
POINTS IN CENTRAL TERRITORY TO
CERTAIN STATES

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules indicated below.

Commodities involved: Cement and related articles, carloads.

From: Buffalo, N. Y., Bessemer and Universal, Pa., Chicago and South Chicago, Ill., and Buffington, Ind.

To: Points in Virginia, Maryland, North Carolina, West Virginia and Kentucky, and Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers, circuitry, market competition, and to apply rates constructed on the basis of a short-line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch's tariff I. C. C. No. 3826, supp. 73, and other schedules listed in appendix A of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9565; Filed, Dec. 3, 1954;
8:46 a. m.]

[4th Sec. Application 29967]

CITRUS FRUIT FROM TEXAS TO SOUTH-
WESTERN AND WESTERN TRUNK-LINE
TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 1, 1954

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.
Commodities involved: Grapefruit and oranges, carloads.

From: Points in Texas.

To: Points in southwestern, western trunk-line and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3915, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9566; Filed, Dec. 3, 1954;
8:46 a. m.]

[4th Sec. Application 29968]

ANIMAL MANURE FROM NEW ORLEANS, LA.,
TO WEST WINFIELD, PA.

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.
Commodities involved: Animal manure, carloads.

From: New Orleans, La.

To: West Winfield, Pa.

Grounds for relief: Competition with water (barge) and motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9567; Filed, Dec. 3, 1954;
8:46 a. m.]

[4th Sec. Application 29969]

LIQUEFIED PETROLEUM GAS FROM TEXAS
AND OKLAHOMA TO SALT LAKE CITY,
UTAH

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Points in Texas and Oklahoma.

To: Salt Lake City, Utah.

Grounds for relief: Circuitous routes, market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4066, supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9568; Filed, Dec. 3, 1954;
8:46 a. m.]

[4th Sec. Application 29970]

CEMENT FROM CENTRAL TERRITORY TO
CERTAIN STATE

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules indicated below.

Commodities involved: Cement and related articles, carloads.

From: Points in central territory.

To: Points in Kentucky, Maryland, North Carolina, Virginia, West Virginia and Cincinnati, Ohio.

Grounds for relief: Rail competition, circuitry, market competition, and to apply rates constructed on basis of a short-line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 3826, supp. 73 and other schedules listed in appendix "A" of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9569; Filed, Dec. 3, 1954;
8:46 a. m.]

[4th Sec. Application 29971]

CONTAINERS, SHEET IRON AND STEEL, FROM
SHARON, OHIO TO ILLINOIS, OHIO, AND
MICHIGAN

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to Erie Railroad Company's tariff I. C. C. No. A-7805, pursuant to fourth-section order No. 17720.

Commodities involved: Containers, sheet iron or steel, carloads.

From: Sharon, Ohio.

To: Chicago, Ill., Cleveland and Dayton, Ohio and Detroit, Mich.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9570; Filed, Dec. 3, 1954;
8:46 a. m.]

[4th Sec. Application 29972]

ALCOHOL AND RELATED ARTICLES FROM
ARKANSAS, TEXAS AND LOUISIANA TO
TOPEKA AND PAULINE, KANS.

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Alcohol and related articles, carloads.

From: Points in Arkansas, Texas, and Louisiana, including Baton Rouge, La., district.

To: Topeka and Pauline, Kans.

Grounds for relief: Rail carrier competition, circuitous routes, market competition, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 48; W. P. Emerson, Jr., Agent, I. C. C. No. 40, supp. 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9571; Filed, Dec. 3, 1954;
8:46 a. m.]

[4th Sec. Application 29973]

COFFEE FROM GALVESTON, TEXAS CITY AND
HOUSTON TO PARIS, TEX.

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. F. Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Coffee, green or roasted.

From: Galveston, Houston and Texas City, Texas.

To: Paris, Texas.

Grounds for relief: Circuitous routes, to meet intrastate rates.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. No. 843, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9572; Filed, Dec. 3, 1954;
8:47 a. m.]

[4th Sec. Application 29974]

SCRAP IRON FROM NATCHEZ, MISS., TO
HOUSTON, TEX.

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Natchez, Miss.

To: Houston, Texas.

Grounds for relief: Rail carrier competition, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4040, supp. 117.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9573; Filed, Dec. 3, 1954;
8:47 a. m.]

[4th Sec. Application 29975]

CEMENT BETWEEN POINTS IN VARIOUS
STATES

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules indicated below.

Commodities involved: Cement and related articles, carloads.

From: Points in New York, New Jersey, Maryland, Pennsylvania, Virginia, and West Virginia.

To: Points in Virginia, Maryland, West Virginia, Kentucky and North Carolina and Cincinnati, Ohio.

Grounds for relief: Rail competition, circuitry, market competition, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-960, supp. 11; C. W. Boin, Agent, I. C. C. No. A-1037, supp. 2, and other schedules listed in appendix "A" to the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed

to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9574; Filed, Dec. 3, 1954;
8:47 a. m.]

[4th Sec. Application 29976]

**CLASS RATES BETWEEN QUEBEC CENTRAL
RY. STATIONS AND CENTRAL TERRITORY
APPLICATION FOR RELIEF**

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Involving: Class rates.

Between: Points in Quebec, Canada, on Quebec Central Railway, on the one hand, and points in Central territory, on the other.

Grounds for relief: Rail competition, circuitry, and to maintain grouping.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 3814, supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9575; Filed, Dec. 3, 1954;
8:47 a. m.]

[4th Sec. Application 29977]

**VARIOUS COMMODITIES FROM POINTS IN
TRUNK LINE AND NORTHEAST TERRI-
TORIES TO OFFICIAL, WESTERN TRUNK-
LINE, AND SOUTHERN TERRITORIES**

APPLICATION FOR RELIEF

DECEMBER 1, 1954.

The Commission is in receipt of the above-entitled and numbered application

for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and C. R. Goldrich, Agents, for carriers parties to tariffs shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in official, western trunk-line and southern territories.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-9576; Filed, Dec. 3, 1954;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANGELA GAGLIONE CASERTA

**NOTICE OF INTENTION TO RETURN
VESTED PROPERTY**

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Angela Gaglione Caserta, Capodrise, Caserta, Italy, Claim No. 57908, Vesting Order No. 974; \$179.70 in the Treasury of the United States.

Executed at Washington, D. C., on November 30, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-9580; Filed, Dec. 3, 1954;
8:48 a. m.]

RAYMOND GUICHARD

**NOTICE OF INTENTION TO RETURN VESTED
PROPERTY**

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Raymond Guichard, Paris, France, Claim No. 41765; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial No. 333,335 (now United States Letters Patent No. 2,350,754). Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,085,496.

Executed at Washington, D. C., on November 30, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-9581; Filed, Dec. 3, 1954;
8:48 a. m.]

DAVID MARGULIES

**NOTICE OF INTENTION TO RETURN VESTED
PROPERTY**

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

David Margulies, Beith Olim Pardes Hana Mahne Alef, Zrif 1534, Israel, Claim No. 62299; Vesting Orders Nos. 4236 and 5664; \$2,240.77 in the Treasury of the United States.

Executed at Washington, D. C., on November 30, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-9583; Filed, Dec. 3, 1954;
8:48 a. m.]

RICHARD WEILL

**NOTICE OF INTENTION TO RETURN VESTED
PROPERTY**

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the

administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Richard Weill, Brooklyn, New York, Claim No. 56578; Ruth Gerson, Albany, New York, Claim No. 57145; Gerda Linton, London, England, Claim No. 59015; Vesting Order No. 3715; all right, title, interest and claim of any kind or character whatsoever of Richard Weill, Ruth Gerson and Gerda Linton, being three of six children of Isaac Rosenbaum,

deceased, in and to that property acquired by the Attorney General of the United States pursuant to Vesting Order No. 3715, filed with the FEDERAL REGISTER on June 2, 1944 (9 F. R. 6038), as the property of the child or children, names unknown, of Isaac Rosenbaum, deceased, and their legitimate descendants, names unknown, in and to the Trust created by the Will of Henrietta Friend, also known as Henriette Friend, deceased. The property is in the process of administration by the First Wisconsin Trust Company, Milwaukee, Wisconsin, Trustee, acting under

the judicial supervision of the County Court of Milwaukee County, Wisconsin.

Executed at Washington, D. C., on November 30, 1954.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-9582; Filed, Dec. 3, 1954;
8:48 a. m.]

